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VERMONT MAPLE PRODUCTS

LAW & REGULATIONS

JULY 14, 2006



VERMONT AGENCY OF AGRICULTURE, FOOD & MARKETS

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Chapter 32: MAPLE PRODUCTS

§ 481. Definitions

As used in this chapter:

- (1) "Advertisement" means any method used to call attention to a product which is intended to arouse a desire to purchase that product. It shall include, but is not limited to, signs, displays, radio and television broadcasts, newspapers and periodicals, direct mail, other printed forms, and any electronic media.
- (2) "Bulk maple syrup" means maple syrup packed in containers of more than five gallons.
- (3) "Secretary" means the secretary for the Vermont agency of agriculture, food and markets or his designee.
- (4) "Dealer" means a person who annually buys, or otherwise acquires from another person, 1000 gallons of maple syrup or more for purposes of packaging for resale, or for resale in bulk.
- (5) "Agency" means the Vermont agency of agriculture, food and markets.
- (6) "Grade" or "grades" means the standards for maple syrup promulgated through regulation by the secretary. Those standards shall be the official grades of maple syrup for the state of Vermont.
- (7) "Inspector" means any person designated by the secretary to carry out the secretary's duties under this chapter.
- (8) "Maple products" means only maple syrup, maple sugar, maple cream, or any other product in which the sugar content is entirely derived from pure maple sap and to which nothing has been added.
- (9) "Maple sap" means the unprocessed liquid derived from the maple tree (*Acer*).
- (10) "Maple sap hydrometer" means a floating instrument which measures the specific gravity of a liquid and which contains a scale designed to determine the sugar content of maple sap.
- (11) "Maple sugar" means the solid, crystalline produce of maple tree sap only.

- (12) "Maple syrup" means pure maple syrup which is the liquid derived by concentration and heat treatment of the sap of the maple tree (Acer). Maple syrup shall not be processed in any manner which adds or removes naturally occurring soluble materials. This limitation does not preclude the use of approved filter aids used for the sole purpose of assisting the removal of suspended material or the use of defoaming agents approved by the secretary. Maple syrup shall comply with Vermont state grades, density, and flavor requirements.
- (13) "Maple syrup hydrometer" means a floating instrument which measures the specific gravity of a liquid and which contains a scale designed to determine the density of maple syrup.
- (14) "Packaged maple syrup" means maple syrup packed in containers of five gallons or less.
- (15) "Person" means individuals, groups of individuals, partnerships, limited partnerships, corporations, companies, cooperatives, and associations.
- (16) "Principal display panel" shall be construed to mean that part of a label that is so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."
- (17) "Produced in Vermont" shall mean only that maple syrup or other maple products which are manufactured in their entirety from pure, unprocessed maple sap within the state of Vermont pursuant to standards established by this chapter and the regulations promulgated hereunder.
- (18) "Public eating place" means any person or establishment engaged in the business of preparing and selling food for the general public's consumption on premises and who is subject to the license requirement of 18 V.S.A. § 4351.
- (19) "Processor" means a person who annually buys, or otherwise acquires from another person, 2,500 gallons of maple syrup or more for purposes of packaging for resale, processing into associated products, or for resale in bulk. (Added 1981, No. 235

(Adj. Sess.), § 1; amended 1989, No. 256 (Adj. Sess.) § 10(a), eff. Jan. 1, 1991; No. 257 (Adj. Sess.), § 3; 2003, No. 42, § 2, eff. May 27, 2003; 2003, No. 148 (Adj. Sess.), § 1.)

§ 482. Enforcement; inspectors

- a) The secretary shall enforce the provisions of this chapter. He may appoint one or more inspectors who shall be authorized to enforce the provisions of this chapter.
- b) The secretary shall pay any such inspectors their salaries and necessary expenses incurred in the performance of their duties from the moneys annually allocated to the agency. (Added 1981, No. 235 (Adj. Sess.), § 1; amended 2003, No. 42, § 2, eff. May 27, 2003.)

§ 483. License required

- a) A dealer or processor who is doing business in this state, or who wishes to do business in this state shall first obtain a license to do so from the secretary.
- b) A dealer wishing to be licensed shall apply annually before July 1 to the secretary for a license on forms supplied by the secretary and shall pay a license fee of \$20.00.
- c) A processor wishing to be licensed shall apply annually before July 1 to the secretary for a license on forms supplied by the secretary and shall pay a license fee of \$100.00. (Added 1981, No. 235 (Adj. Sess.), § 1; amended 1989, No. 257 (Adj. Sess.), § 4; 1991, No. 79, § 2a; 2003, No. 42, § 2, eff. May 27, 2003.)

§ 484. Records; inspection

- a) The secretary may, by rule, require all licensed dealers or processors to maintain specific records for the purchase and sale of maple products. Those records shall be kept in a full and accurate manner and shall be made available to the secretary or his inspector upon request. The secretary shall use those records only for purposes of administering this chapter, or for other law enforcement purposes, and shall otherwise keep them confidential.
- b) The secretary or his inspector may enter upon the premises of a licensed dealer or processor, at reasonable times, for

purposes of inspecting the premises, records, equipment and inventory in a reasonable manner to determine whether the provisions of this chapter and the rules adopted hereunder are being observed. If entry is refused, the secretary may apply to a superior or district court judge for an administrative search warrant. (Added 1981, No. 235 (Adj. Sess.), § 1; amended 1991, No. 79, § 2; 2003, No. 42, § 2, eff. May 27, 2003.)

§ 485. Revocation or suspension of licenses; appeals

- a) The secretary may suspend, revoke or decline to grant a dealer or processor license for cause, or for failure of the applicant to provide all information which the secretary may reasonably request. Before declining to grant a license or suspending or revoking a license, the secretary shall give at least ten days' notice to the applicant or licensee by registered or certified mail addressed to his last known address and afford him an opportunity to appear and be heard with respect thereto at a time and place specified in the notice. The applicant or licensee may be heard in person or by an attorney, and offer evidence pertinent to the subject of the hearing. Within 30 days after the hearing, the secretary shall make findings of fact in writing and shall notify the applicant or licensee of his decision in writing.
- b) The applicant or licensee may appeal the decision to the Washington superior court or the superior court for the county where he is doing business. Such an appeal shall be limited to questions of law and shall be governed by the Vermont Rules of Civil Procedure. The applicant shall file a statement of questions for the court's review within 30 days of filing the notice of appeal.
- c) The decision of the superior court may be appealed to the Vermont Supreme Court.
- d) A dealer who has not been licensed, or whose license was suspended or revoked by the secretary, shall not engage in the sale, barter or exchange of any maple products within the state of Vermont for commercial purposes. (Added 1981, No. 235 (Adj. Sess.), § 1; amended 1991, No. 79, § 3; 2003, No. 42, § 2, eff. May 27, 2003.)

§ 486. Trademark

The trademark, "State of Vermont Pure Maple Syrup," is hereby registered with the secretary of state and its use shall be restricted to the terms of this chapter. (Added 1981, No. 235 (Adj. Sess.), §

§ 487. Standards

- a) Grade standards. The secretary shall establish by rule grade standards for maple syrup. In establishing grade standards, the secretary may utilize the color standards and grade designations established by the United States Department of Agriculture for the testing and grading of maple syrup, or develop different color standards and designations. The secretary may also establish flavor and clarity requirements as a part of the grading standards.
- b) Density standards. The secretary may establish by rule the density standards for maple syrup. (Added 1981, No. 235 (Adj. Sess.), § 1; amended 1989, No. 13, § 1; 2003, No. 42, § 2, eff. May 27, 2003.)

§ 488. Sampling, testing and grading devices; certification

- a) The secretary may procure accurate sampling, testing and grading devices in a quantity sufficient to meet the anticipated requirements under this chapter.
- b) In addition to the mandatory inspection program conducted under this chapter, the secretary may provide maple syrup inspection certification, upon request of a dealer. The secretary may obtain from the dealer reimbursement for the cost of the inspection certification incurred by the agency. (Added 1981, No. 235 (Adj. Sess.), § 1; amended 1989, No. 13, § 2; 2003, No. 42, § 2, eff. May 27, 2003.)

§ 489. Hydrometers

- a) Maple syrup hydrometers sold in this state shall be tested, approved and so marked by the agency before any are sold, offered or exposed for sale or distributed by any person.
- b) All maple sap hydrometers used in this state for testing the sugar content of maple sap for the purpose of computing its selling price shall be permanently marked with a non-repetitive

serial number and shall be tested by the agency for accuracy. When a maple sap hydrometer has been tested and approved as meeting those standards established by regulation, the secretary may issue a certificate of accuracy. (Added 1981, No. 235 (Adj. Sess.), § 1; amended 2003, No. 42, § 2, eff. May 27, 2003.)

§ 490. Labels

- a) Maple syrup. Every shipment, package or container of maple syrup packed, sold, offered or exposed for sale or distribution by any person shall be plainly marked in accordance with 9 V.S.A. § 2633(c), for packaging and labeling regulations and shall include:
 - (1) name, address and zip code of the packer;
 - (2) the true name of the product;
 - (3) the grade; and
 - (4) the volume of the contents at 68 degrees Fahrenheit or 20 degrees Celsius.

- b) All other pure maple products. Every shipment, package or container of maple products other than maple syrup packed, sold, offered or exposed for sale or distribution by any person shall be plainly marked in accordance with 9 V.S.A. § 2633(c), for packaging and labeling regulations and shall include:
 - (1) the name, address and zip code of the packer;
 - (2) the true name of the product; and
 - (3) the volume of the contents at 68 degrees Fahrenheit or 20 degrees Celsius if the product is a liquid or with the net weight if the product is not a liquid.

- c) Any labeling on bulk or packaged maple syrup which indicates "State of Vermont pure maple syrup," Vermont maple syrup, Vermont syrup, or any other words which imply that the syrup so marked was produced in Vermont shall be used exclusively upon 100 percent maple syrup which is entirely produced within the state of Vermont in compliance with the terms of this chapter and the regulations promulgated hereunder.

- d) Any labeling on all other maple products which states or implies that those products were produced in Vermont shall be used exclusively upon 100 percent pure maple products which are entirely produced within the state of Vermont in compliance

with the terms of this chapter and the regulations promulgated hereunder. (Added 1981, No. 235 (Adj. Sess.),

§ 491. Adulteration; filtration

- a) No person shall manufacture, package, sell, offer for sale, deliver or in any way possess any maple product which is adulterated within the meaning of 18 V.S.A. § 4059.
- b) Maple syrup which is produced, packaged, handled or sold in this state shall not be bleached or lightened in color by artificial means except by simple filtration through cloth or paper, through a filter press or through food grade diatomaceous earth with a filter press to remove suspended solids. The secretary may by rule approve other methods of filtration. The secretary is authorized to approve specific applications of new technologies for time limited experimental usage. (Added 1981, No. 235 (Adj. Sess.), § 1; amended 1985, No. 241 (Adj. Sess.), § 1; 1997, No. 29, § 1, eff. May 15, 1997; 2003, No. 42, § 2, eff. May 27, 2003.)

§ 492. Labeling container of maple flavored products

- a) Every product or package containing a product made by combining maple sap, maple sugar or maple syrup with any other sugar or other substance packed, sold, offered or exposed for sale or distribution by any person in this state shall be plainly marked in accordance with 9 V.S.A. § 2633(c), for packaging and labeling regulations and shall include the following on the principal display panel:
 - (1) an accurate and descriptive name;
 - (2) the net quantity contents declaration; and
 - (3) the amount of maple sugar or maple syrup the product contains expressed in percentage of volume if the product is a liquid or a list of the product ingredients in order of decreasing predominance by weight if the product is a solid. The percentage statement or ingredient list shall be in close proximity to the product name.
- b) The same information required in subsection (a) of this section shall be included in any advertisements of the product. When the product is served in any public eating place, the menu shall be conspicuously marked with an accurate and descriptive

name and a statement expressing the percentage of maple sugar or maple syrup the product contains.

- c) The words "maple," "mapyl," "mapley," or words of similar import shall not appear in any manner on a container, label, menu, or advertisement of maple flavored products, unless:
 - (1) such words are printed in the statement of contents together with the percentage;
 - (2) such words are a part of the packer's name, provided that the packer's name cannot appear to be a part of the product name; or
 - (3) the words "blend," "sweetened," or "flavored" appear immediately before, after, above or below and in equal prominence to such words.

- d) The term "maple flavored" may only be used when 100 percent of the flavoring material is a pure maple product. If any artificial maple flavor is used, the label shall clearly and conspicuously state "artificial flavor." (Added 1981, No. 235 (Adj. Sess.), § 1; amended 1985, No. 241 (Adj. Sess.),

§ 493. Labeling container of artificial maple flavored products

It shall be unlawful to use the term "maple syrup" or "maple sugar," however modified, to describe any product, flavoring, sweetener or food additive unless the product, flavoring, sweetener or food additive so described meets the statutory definition of "maple syrup" or "maple sugar." Terms such as "artificial maple syrup" or "artificial maple sugar" are declared to be misleading and deceptive and may not be used in the labeling or advertising of any product. Terms such as "artificial maple flavor" or "artificial maple flavor sweetener" may be used to describe a product flavored or sweetened with a substance which attempts to duplicate real maple flavor, providing that words such as "artificial," "flavor," and other modifiers of the word "maple" shall appear in equal prominence to the word "maple" on the label and in all advertising of the product. (Added 1981, No. 235 (Adj. Sess.), § 1.)

§ 493a. Use of the term "Vermont maple"

The term "Vermont maple" may be used only to describe any product, flavoring, sweetener, or food additive when the product, flavoring, sweetener, or food additive so described contains

"maple products" which are "produced in Vermont" as those terms are defined in this chapter. (Added 2003, No. 148 (Adj. Sess.), § 2.)

§ 494. Containers and equipment; rules; manufacturer certification required if plastic resin used

- (a) Applicability. This section shall apply to all containers and equipment which come into contact with maple sap, maple syrup or maple products, hereinafter referred to for the purposes of this section as "maple products," to all replacement parts of such containers and equipment, and to all containers or equipment returned to the manufacturer for repair or refurbishing, whether made or assembled in whole or in part in Vermont after January 1, 1998, or sold or conveyed when new in Vermont after January 1, 1998.
- (b) Containers and equipment used for packaging maple products shall be clean and sanitary at the time of packing.
- (c) Maple syrup containers offered for sale within the state of Vermont shall be of a size determined by the secretary to be correct to hold the liquid volume stated on the container when filled with syrup at 68 degrees Fahrenheit. Maple syrup containers shall be clean and free of rust, and shall not include any substance which may damage the color or flavor of maple syrup.
- (d) Rule authority. The secretary may regulate by rule the types and uses of cleaning and sanitizing agents and processes, and the types and uses of equipment which come into contact with maple products, including the collection, conveying, processing, manufacture or storage of maple products. The secretary shall work with interested persons and entities to develop and promulgate these rules.
- (e) Plastic resin. New containers and new equipment which are purchased, sold, offered for sale, conveyed or used in Vermont after January 1, 1998 and made from plastic resin, shall be:
 - (1) suitable for their intended use;
 - (2) constructed from materials that will not allow the migration of deleterious substances or impart colors, odors or tastes to maple sap or products; and

- (3) designed and constructed so that when used, such equipment and containers shall not permit the adulteration of maple sap or products with lubricants, fuel, metal fragments, contaminated water, or any other contaminants.
- (f) Statutory certification. Containers and equipment which come into contact with maple products shall as a matter of law be certified for use in collecting, conveying, processing, manufacturing or storing maple products, provided such containers or equipment are made from materials that are suitable for collecting, conveying or storing potable water.
- (g) Duty to acquire certification. Any person who sells or conveys ownership of containers or new equipment which are made from plastic resin shall acquire a certification from the manufacturer that the containers or equipment are designed and constructed in such a manner and of such materials as to comply with this section and applicable rules. The certification shall be in writing and shall be made available to a prospective purchaser, owner or the secretary upon request.
- (h) Manufacturer certification. After January 1, 1998, all manufacturers of new containers or new equipment made from plastic and which come into contact with maple products shall provide the written certification required for each type of container or equipment. A certification shall be presumed valid until the design or formulation of the equipment or container changes, at which time a new certification shall be required. It shall be acceptable for a manufacturer to provide a single certification listing all of the applicable products.
- (i) Penalty. Any person who violates this section or any applicable rule may be assessed an administrative penalty under section 15 of this title. (Added 1981, No. 235 (Adj. Sess.), § 1; amended 1997, No. 29, § 2, eff. May 15, 1997; 2003, No. 42, § 2, eff. May 27, 2003.)

§ 495. Advertising

- (a) All advertisements of maple syrup displayed, circulated, broadcast by radio or telecast within this state which quote a price shall specify the grade and volume of maple syrup in equal prominence with the stated price.

- (b) All advertisements of maple products and maple flavored products displayed, circulated, broadcast by radio or telecast within this state which quote a price shall specify the quantity of contents in equal prominence with the stated price.
- (c) All advertisements of maple syrup or maple products which state or imply that the products were produced in Vermont shall be used exclusively upon maple syrup or maple products produced within the state of Vermont.
- (d) All advertising of maple flavored products shall be in compliance with the advertising provisions contained in section 492 of this title. All advertising of artificial maple flavored products shall be in compliance with the advertising provisions contained in section 493 of this title. (Added 1981, No. 235 (Adj. Sess.), § 1.)

§ 496. Regulations; powers

- (a) The secretary may adopt and enforce all rules and regulations which he deems necessary to enforce this chapter.
- (b) When the secretary determines that there is reasonable cause to believe that a maple product is in violation of this chapter or any regulations promulgated hereunder, he may embargo the sale, transportation or use of the product. Within 30 days of the embargo, the secretary shall cause to be instituted in the superior court of the county in which the violator resides, has a place of business or commits the violation, a petition for an order for disposal of the product. Prior to the petition or pending court directions, the secretary may agree with the owner of the product for its disposal provided the disposal is not in violation of law. The court shall have power to condemn any maple product sold, stored, held, offered, exposed or advertised for sale or possessed in violation of this chapter, and may authorize its disposal. (Added 1981, No. 235 (Adj. Sess.), § 1; amended 2003, No. 42, § 2, eff. May 27, 2003.)

§ 497. Violation

A person shall not knowingly or intentionally:

- (1) produce, package, label, sell;
- (2) hold, store, transport, offer, expose or advertise for sale;

- (3) possess in any premises where maple products, maple-flavored products, or artificial maple-flavored products, are sold or held, stored, offered, exposed or advertised for sale; or
- (4) possess or serve in any public eating place, any maple product, maple-flavored product, or artificial maple-flavored product in violation of the provisions of this chapter or any embargo or rule promulgated by the secretary under the provisions of this chapter. (Added 1981, No. 235 (Adj. Sess.), § 1; amended 1985, No. 241 (Adj. Sess.), § 3; 2003, No. 42, § 2, eff. May 27, 2003; 2003, No. 148 (Adj. Sess.), § 3.)

§ 498. Penalties

- (a) The secretary may suspend or revoke the license of a dealer or processor for any violation of this chapter or the regulations adopted pursuant to this chapter.
- (b) A person, including licensed dealers or processors, who knowingly or intentionally violates any provision of this chapter shall be fined not more than \$5,000.00 or imprisoned for not more than one year, or both. (Added 1981, No. 235 (Adj. Sess.), § 1; amended 2003, No. 42, § 2, eff. May 27, 2003; 2003, No. 148 (Adj. Sess.), § 4.)

§ 499. Construction

- (a) This chapter shall not be construed to limit in any way the powers of the state board of health with regard to the regulation of food and drink and the standards, adulteration, misbranding and misrepresentation thereof.
- (b) The provisions of this chapter are severable. If any provision of this chapter, any exemption therefrom, or any application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions, exemptions or applications which can be given effect without the invalid provision, exemption or application. (Added 1981, No. 235 (Adj. Sess.), § 1.)

MAPLE PRODUCTS REGULATIONS

Statutory Authority: 6 V.S.A. Chapter 32

Effective Date: January 22 1990

Amended: December 9, 2005 (Secretary of State Rule Log #05-048)

The following maple products regulations are hereby promulgated by the Secretary of Agriculture, Food and Markets pursuant to the authority vested in him by 6 V.S.A. Chapter 32.

Section I Definitions.

1. As used in these regulations:

- a. "Act" means 6 V.S.A. Chapter 32;
- b. "Advertisement" means any method used to call attention to a product which is intended to arouse a desire to purchase that product. It shall include, but is not limited to, signs, displays, radio and television broadcasts, newspapers and periodicals, direct mail, and other printed forms, and any electronic media.
- c. "Bulk maple syrup" means maple syrup packed in containers of more than five gallons;
- d. "Secretary" means the Secretary for the Vermont Agency of Agriculture, Food & Markets or his or her designee;
- e. "Damage" means any defect that affects the color, appearance, flavor, aroma, edibility or shipping quality of the maple syrup or sugar. Maple syrup which is fermented or which contains any buddy flavor, scorched flavor, or any other distasteful foreign flavor shall be considered damaged;
- f. "Dealer" means a person who annually buys, or otherwise acquires from another person, 1,000 gallons of maple syrup or more, but less than 2500 gallons, for the purposes of packaging for resale, or for resale in bulk;
- g) "Agency" means the Vermont Agency of Agriculture, Food & Markets;
- h) "Doing business," when used in connection with a dealer or processor, means a single act, or a series of actions

performed by the dealer or processor within Vermont in the furtherance of that dealer or processor's business;

- i) "Grade" or "grades" means the standards for maple syrup promulgated through regulation by the Secretary. Those standards shall be the official grades of maple syrup for the state of Vermont;
- j) "Inspector" means any person designated by the Secretary to carry out the Secretary's duties under this chapter;
- k) "Light transmission" means the ability of maple syrup to transmit light as determined optically by means of a spectrophotometer;
- l) "Maple products" means only maple syrup, maple sugar, maple cream, or any other product in which the sugar content is entirely derived from pure maple sap and to which nothing has been added;
- m) "Maple sap" means the unprocessed liquid derived from the maple tree (Acer);
- n) "Maple sap hydrometer" means a floating instrument which measures the specific gravity of a liquid and which contains a scale designed to determine the sugar content of maple sap;
- o) "Maple sugar" means the solid, crystalline product of maple sap only;
- p) "Maple syrup" means pure maple syrup which is the liquid derived by concentration and heat treatment of the sap of the maple tree (Acer). Maple syrup shall not be processed in any manner which adds or removes naturally occurring soluble materials. The limitation does not preclude the use of approved filter aids used for the sole purpose of assisting the removal of suspended material or the use of defoaming agents approved by the Secretary. Maple syrup shall comply with Vermont state grades, density, and flavor requirements;
- q) "Maple syrup hydrometer" means a floating instrument which measures the specific gravity of a liquid and which contains a scale designed to determine the density of maple syrup;

- r) "Packaged maple syrup" means maple syrup packed in containers of five gallons or less;
- s) "Persons" means individuals, groups of individuals, partnerships, limited partnerships, corporations, companies, cooperatives, and associations;
- t) "Principal display panel" shall be construed to mean that part of a label that is so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "Principal display panel" shall pertain to all such "principal display panels";
- u) "Processor" means a person who annually buys, or otherwise acquires from another person, 2,500 gallons of maple syrup or more for purposes of packaging for resale, processing into associated products, or for resale in bulk.
- v) "Produced in Vermont" shall mean only that maple syrup or other maple products which are manufactured in their entirety from pure, unprocessed maple sap within the state of Vermont pursuant to standards established by the Act and these regulations;
- w) "Public eating place" means any person or establishment engaged in the business of preparing and selling food for the general public's consumption on premises and who is subject to the license requirement of 18 V.S.A. 4351;
- x) "Spectrophotometer" means an instrument which measures the % of light transmission through maple syrup determining its grade, by using matched square optical cells having a 10mm light path at a wavelength of 560nm, the color values being expressed in per cent of light transmission as compared to A.R. Glycerol fixed at one hundred per cent transmission. Symbolized by "%Tc".

Section II Licenses.

- 1) A dealer or processor of maple syrup who is doing business in this state, or who wishes to do business in this state, must annually obtain a license to do so from the Secretary; a maple

dealer or processor's license may be sought in the following manner:

- a.. Annually, the dealer or processor shall request an application from the Agency of Agriculture, Food & Markets, 120 State Street, Montpelier, VT 05620-2901;
 - b. The dealer or processor shall then complete and return the application prior to July 1 of each year;
 - c. The application shall be fully and accurately filled out, providing all requested information; the dealer or processor shall also provide such additional documentation as the Secretary may from time to time require;
 - d. The application shall be accompanied by whatever fee is required by law.
- 2) In addition to other information which the Secretary may from time to time require to be provided by application, the dealer or processor shall provide the following information for the past calendar year:
- a. Total amount of Vermont produced maple syrup purchased or otherwise acquired.
 - b. Total amount of maple syrup not produced in Vermont which was purchased or otherwise acquired;
 - c. Total amount of bulk maple syrup sold or otherwise disposed of which had the word "Vermont" or the abbreviation "Vt." anywhere on its label other than in the packer's name and address;
 - d. Total amount of bulk maple syrup sold or otherwise disposed of, which did not have the word "Vermont" or the abbreviation "Vt." anywhere on its label, other than in the packer's name and address;
 - e. Total amount of packaged maple syrup sold or otherwise disposed of which had the word "Vermont" or the abbreviation "Vt." anywhere on the label or package, other than in the packer's name and address;

- f. Total amount of packaged maple syrup sold or otherwise disposed of which did not have the word "Vermont" or the abbreviation "Vt." on the label or anywhere else on the package, other than in the packer's name and address;
 - g. Total amount of maple syrup used in making other maple products which were sold or otherwise disposed of and which had the word "Vermont" or the abbreviation "Vt." anywhere on the label or package, other than in the packer's name and address;
 - h. Total amount of maple syrup used in making other maple products which were sold, or otherwise disposed of, and which did not have the word "Vermont" or the abbreviation "Vt." anywhere on the label or package, other than in the packer's name and address;
 - i. Total amount of maple syrup used in maple-flavored products.
 - j. Total amount of Vermont produced maple syrup in inventory at the end of the year;
 - k. Total amount of maple syrup not produced in Vermont in inventory at the end of the year.
- 3) A dealer or processor shall maintain all records necessary to prove the statistical information required by the Act and by these regulations for a period of at least three years. Those records shall include the names and addresses of all persons from whom maple syrup was purchased and the amount of maple syrup purchased. The dealer or processor shall also maintain samples of each and every label and container used in connection with the sale of packaged maple syrup and maple products; he shall maintain samples of each and every label used in connection with bulk maple syrup sales. All such records shall be made available to the Secretary upon request. Failure to maintain adequate records as required by the Act and by these regulations shall constitute sufficient cause for the Secretary to suspend, revoke or refuse to grant that dealer or processor a license.
- 4) The Secretary may, at his discretion, exempt a dealer or processor from the foregoing record keeping requirements where he finds that the dealer or processor has not, and will not,

label his maple syrup or maple products in any way which states or implies that the maple syrup or maple products were produced in Vermont. In order to apply for such an exemption, a dealer or processor shall annually request that status at the time he re-applies for the dealer or processor's license. He shall provide the Secretary with copies of all labels and containers used during the preceding year and with copies of any changes intended to be made to those labels or containers. Upon review, if the Secretary determines that the labels and containers do not state or imply that the maple products were produced in Vermont, he may grant that dealer or processor a one-year exemption from the record keeping requirements.

- 5) The Secretary may suspend, revoke or decline to grant a dealer or processor's license for cause, or for failure of the applicant to provide all information which the Secretary may reasonably request. Cause sufficient to justify suspension, revocation or refusal to grant a dealer or processor's license may be found where:
- a. a dealer or processor has violated any provision contained in the Act;
 - b. a dealer or processor has violated any provision of these regulations;
 - c. a dealer or processor has failed to keep adequate records demonstrating where maple syrup was produced and how it was labeled when it was sold, as required by Section II. 3, unless that dealer or processor has obtained an exemption from record keeping as provided for in Section II.4;
 - d. a dealer or processor has failed to fully and accurately answer all questions required on the annual application form to obtain a dealer or processor's license, or has failed to provide other information reasonably requested by the Secretary,
 - e. a dealer or processor has committed any other action, which in the opinion of the Secretary, gives sufficient cause to warrant suspension, revocation or refusal to grant that dealer or processor's license.

Section III – State of Vermont Grades and Standards for Maple Syrup

- 1) The following trades are hereby established as the official maple syrup grade standards for the State of Vermont:
 - a. “Fancy Grade” means pure maple syrup which is free of any material other than pure, clear, clean liquid maple syrup in sanitary condition; which has a color no darker than the United States Department of Agriculture’s visual color standard light amber, or has a color for light transmittance not less than 75.0% Tc; which has a delicately sweet, original maple flavor characteristic of fancy grade; and which has a density ranging from the equivalent of 36 degrees Baume (66.9 degrees Brix) to 37 degrees Baume (68.9 degrees Brix) at 60 degrees Fahrenheit Modulus 145. Fancy Grade maple syrup shall be free of sugar crystals and shall not be damaged in any way;
 - b. “Grade A Medium Amber” means pure maple syrup which is free of any material other than pure, clear, clean liquid maple syrup in sanitary condition; which has a color no darker than the U.S. Department of Agriculture visual standard, medium amber, or has a color for light transmittance between the range of 74.9% Tc to 60.5% Tc; it may have a flavor which is more pronounced than that of Fancy Grade, but which is not strong or unpleasant and must be of the flavor characteristic of Grade A Medium Amber. Grade A Medium Amber maple syrup shall be free of sugar crystals and shall not be damaged in any way;
 - c. “Grade A Dark Amber” means pure maple syrup which is free of any material other than pure, clear, clean liquid maple syrup in sanitary condition; which has a color no darker than the United States Department of Agriculture visual standard dark amber, or has a color for light transmittance between the range of 60.4% Tc to 44.0%Tc; it may have a flavor which is stronger than that of Grade A Medium, but which is not sharp, bitter, buddy or off-flavor and must be of the flavor characteristic of Grade A Dark Amber. Grad A Dark Amber must meet the density requirement of “Fancy Grade.” Grade A Dark Amber maple syrup shall be free of sugar crystals and shall not be damaged in any way;

- d. "Grade B" means pure maple syrup which is free of any material other than pure, clean, clear liquid maple syrup in sanitary condition; which has a color for light transmittance between the range of 43.9% Tc to 27.0%Tc. (The United States Department of Agriculture does not have an approved visual glass comparator which compares to the light transmittance of this grade. Thus, for reference purposes only, a glass comparator that is equivalent to the light transmittance of 27.0% Tc, and which may be used, is that for "Canadian No. 2 (amber)" as said comparators were on June 9, 1989); Grade B shall meet the density requirements of Fancy Grade. Grade B may have a flavor stronger than Grade A Dark Amber, but shall not be damaged in any way and Grade B shall be free of sugar crystals;
- e. "Commercial Grade" means pure maple syrup which is free of any material other than pure, clean, clear liquid maple syrup in a sanitary condition. Commercial Grade shall have a color for light transmittance less than 27.0% Tc; (The United States Department of Agriculture does not have an approved visual glass comparator which compares to the light transmittance of this grade. Thus, for reference purposes only, a glass comparator that is equivalent to the light transmittance of 27.0% Tc, and which may be used, is that for "Canadian No. 3(dark)" as said comparators were on June 9, 1989). Commercial Grade may have a strong flavor yet shall not be damaged in any way and Commercial Grade shall be free of sugar crystals. Commercial Grade syrup shall not be placed in packaged maple syrup containers and may not be sold, offered for sale, or exposed for sale as packaged maple syrup.
- f. "Substandard" means bulk maple syrup which fails to meet the requirements of any other grade. Such syrup shall not be placed in packaged maple syrup containers and shall not be sold, offered for sale, or exposed for sale as packaged maple syrup.
- g. Exceptions: Persons packaging maple syrup in this State for sale outside of this State may use either the applicable grade designation under these regulations, or the applicable grade designation provided under the "United States Standards For Grades of Table Maple Syrup, " 7 C.F.R.

Paragraph 52.5961-52.5967, however, Grade B and Commercial Grade maple syrup shall not be labeled as US Grade B. (Nevertheless, all maple syrup sold, offered, or exposed for sale in this State shall be marked with the appropriate grade designation provided for by these regulations only).

- 2) All maple syrup containers shall have the accurate grade clearly and conspicuously marked upon their principal display panel or other portion of the container most likely to be seen when the container is in its normal display position. Such markings must be in accordance with the requirements of the Act, these regulations, and other applicable state and federal labeling requirements. Only one grade designation may be used on any container. The maple syrup within the container must comply with the minimum standards set by these regulations for that grade. It shall be unlawful for any person to label maple syrup with an inaccurate grade.
- 3) All words and letters of the grade designation used shall be of equal size and prominence. Thus, in using Grade A Dark Amber, the words Dark Amber must be the same size and prominence as the words Grade A.
- 4) The word "Vermont" (or the abbreviation "Vt.") shall appear in conjunction with the grade on any maple syrup container when the maple syrup therein is 100 percent pure maple syrup which is entirely produced within the State of Vermont. The word "Vermont" (or the abbreviation "Vt.") shall not appear in conjunction with any grade where the maple syrup within the container was not produced in Vermont. The prefix "U.S." may be used in conjunction with the Grade A Medium Amber and Grade A Dark Amber grade designations on maple syrup not produced in Vermont. In addition, where the maple syrup within the container was not produced in Vermont the name of the place of origin (that is the state, province, or country) may also be used in conjunction with the Grade A Medium Amber and Grade A Dark Amber grade designations. No additional words or terms may be used in conjunction with the grade. Thus, "Grade A Medium Amber or better" "First Run" and other such terms may not be used.
- 5) Density Requirements:

- a. All grades of packaged maple syrup shall have a minimum density matching its temperature, as indicated on the following chart, which is equivalent to 36 degrees Baume Modulus 145 or 66.9 degrees Brix at 60 degrees Fahrenheit on instruments calibrated at 60 degrees Fahrenheit or other equivalent measurement of density, as determined by the Secretary of Agriculture.

VT Minimum Density Hydrometer Degrees Baume	VT Minimum Density Degrees Baum	Temperature at 500 feet Elevation*
Approx. 32.0°	Approx. 59.0°	at 211° F.*
Approx 32.8°	Approx. 60.6°	at 188° F.
Approx. 35.0°	Approx. 64.9°	at 100° F.
Approx. 35.25°	Approx. 65.4°	at 90° F.
Approx. 35.5°	Approx. 65.9°	at 80° F.
Approx. 35.75°	Approx. 66.4°	at 70° F.
Approx. 36.0°	Approx. 66.9°	at 60° F.
Approx. 36.25°	Approx. 67.4°	at 50° F.

- b. Packaged maple syrup shall have the equivalent of a maximum density of not more than 37 degrees Baume or 68.9 degrees Brix at 60 degrees Fahrenheit.
- c. When the proper density for a special temperature reading is needed, the C. H. Jones rule shall be used, i.e. .0265 degrees Baume change in density per each degree change in temperature, or one whole degree change in density per 38 degrees Fahrenheit, or approximately one-fourth of one degree Baume hydrometer change per 10 degrees Fahrenheit change of temperature.
- d. It shall be unlawful to place maple syrup in package sized containers if it does not comply with the density

standards of these regulations. Furthermore, it shall be unlawful to sell, exchange, offer for sale, or expose for sale packaged maple syrup which does not meet the density requirements of the regulations.

- e. The density of bulk maple syrup may range from the equivalent of 35.5 degrees Baume (65.9 degrees Brix) to 37 degrees Baume (68.9 degrees Brix) when the syrup temperature is 60 degrees Fahrenheit. When the density of bulk maple syrup does not fall within this range the container shall be conspicuously marked "Notice - The syrup contained herein fails to meet state density standards. The density is degrees Baume at 60 degrees Fahrenheit." The accurate density for the syrup within the bulk container shall be stated.
- f. Bulk maple syrup sold directly to consumers, restaurants or any other market where the syrup is not further processed before purchase by the consumer shall meet the same density standards as packaged maple syrup.

Section IV Hydrometers.

1) Maple Syrup Hydrometers

- a. It shall be unlawful to sell or offer for sale a maple syrup hydrometer unless it has been tested and approved by the Secretary.
- b. All maple syrup hydrometers which are approved by the Secretary shall have the temperature at which the instrument has been calibrated stamped or printed on the scale chart within the hydrometer stem.
- c. All maple syrup hydrometers shall be tested by floating in a liquid and compared to a master hydrometer which has been approved by the National Bureau of Standards. No maple syrup hydrometer shall be approved by the Secretary which floats more than 1/10 degree above or more than 2/10 degree below the correct floating level at the surface of the liquid. No Brix syrup hydrometer shall be approved which floats more than 2/10 degree above or 4/10 degree below the correct floating level at the surface of the liquid.

- d.. All Baume hydrometers approved by the Secretary shall be calibrated in units of 1/2 degree or less; Brix hydrometers shall be calibrated in units of one degree or less.
- e. Calibration marks must be spaced along the hydrometer stem so that each Baume degree will have .26 inch or more of linear space. Each degree of Brix shall have .13 inches or more of linear space.

Maple Sap Hydrometers

- a. All Maple sap hydrometers which are approved by the Secretary shall have the temperature at which the instrument was calibrated stamped or printed on the scale chart within the hydrometer stem;
- b. All maple sap hydrometers shall be calibrated in units of 1/10 degree Brix or less; all maple sap hydrometers approved by the Secretary shall be tested by floating in liquid and comparing with a master hydrometer which has been approved by the National Bureau of Standards. All maple sap hydrometers approved must meet accuracy standards determined by the Secretary to be reasonable for measuring the sugar content of sap.
- c. All maple syrup hydrometers shall be tested by floating in a liquid and compared to a master hydrometer which has been approved by the National Bureau of Standards. No maple syrup hydrometer shall be approved by the Secretary which floats more than 1/10 degree above or more than 2/10 degree below the correct floating level at the surface of the liquid. No Brix syrup hydrometer shall be approved which floats more than 2/10 degree above or 4/10 degree below the correct floating level at the surface of the liquid.

Section V - Labeling

- 1) No person shall label any maple syrup, maple product, maple flavored product, or artificial maple flavored product in any manner which is untruthful, unfair or deceptive.
 - a. All labels shall comply with other applicable federal and state statutes and regulations relating to labeling and consumer fraud.

- b. No maple syrup may be labeled as being a Vermont product, or labeled in any manner which would imply that the maple syrup was produced within the state of Vermont in compliance with the terms of the Act and these regulations. When the packer's name or, a maple syrup trade mark, contains the word "Vermont", the name or trade mark, may be used on the principal display panel of maple syrup produced outside Vermont if the principal display panel also clearly and conspicuously includes the state of origin of the or, a maple syrup trade mark, contains the word "Vermont", the name or trade mark, may be used on the principal display panel of maple syrup produced outside Vermont if the principal display panel also clearly and conspicuously includes the state of origin of the maple syrup or the country of origin if the country of origin is other than the United States of America.
- c. No maple product may be labeled as being a Vermont product, or labeled in any manner which would imply that the maple product was produced in Vermont, unless the maple product is a 100 percent pure maple product which was entirely produced within the state of Vermont in compliance with the terms of the Act and these regulations. When the packer's name or, a maple product trade mark, contains the word "Vermont", the name or trade mark, may be used on the principal display panel of the maple product produced outside Vermont if the principal display panel also clearly and conspicuously includes the state of origin of the maple product or the country of origin if the country of origin is other than the United States of America.
- d. All maple flavored products shall be clearly labeled on their principal display panel or panels in a manner which will alert the purchaser to the fact that the product is not a 100 percent pure maple product, in accordance with the Act and other applicable statutes and regulations.
- e. Artificial maple flavored products shall be clearly and conspicuously labeled on their principal display panel or panels with the term "artificial flavor" shall be of a size equal to, or larger than, other words used to

describe the product. It is unlawful to use the terms "maple syrup" or "maple sugar," however modified, to describe an artificially flavored product. Any restaurant menu listing such a product, or any advertising of such a product shall clearly state that the product is artificially flavored.

- 2) The labeling requirements of Paragraph 490 (a) of the Act shall not apply to bulk maple syrup containers used solely for transportation or storage of maple syrup prior to being processed or packaged for consumer sales or prior to being manufactured into another maple product. However, all maple syrup in bulk containers sold directly to consumers, restaurants or any other markets where the syrup is not further processed before purchase by the consumer shall be labeled with the same information required on packaged maple syrup
- 3) It is recommended that persons wishing to determine whether their maple products labels comply with the terms of this Act and these regulations submit a copy of such labels to the Agency prior to their printing and use. If the label complies with the terms of the Act and these regulations, the Agency will certify its compliance with the provisions of the Act.
- 4) Persons with existing supplies of labels, or preprinted containers, which do not comply with these regulations, may apply to the Secretary for a temporary exemption from these regulations as to those labels, or containers. The Secretary shall have the discretion to permit such persons to use up existing supplies of labels or preprinted containers, where he determines that those labels, or printed containers, will not be misleading to the consumer and where he determines that such an exemption is in the public's interest, any such exemption shall be for a specified period of time only; thereafter, persons who obtained such an exemption shall use only labels, or printed containers which comply with these regulations.

Section VI Containers.

- 1) All packaged maple syrup containers shall have tamper proof seals which have been approved by the secretary placed over the container openings except:
 - a. Where the Secretary has deemed that it is impractical to use tamper proof seals on a particular container, or

- b. Where the package has been opened for inspection by the Secretary or his inspectors.
- 2) All maple syrup containers shall be clean, sanitary and free from rust and shall not contain or be constructed of any substance which could tend to damage the color or flavor of the maple syrup.
- 3) The cap or other closing mechanism of any maple syrup package must be so tightened as to render the contents airtight.
- 4) Packaged maple syrup packed in or found to be in bulged, rusty, unsealed, unsanitary, seriously damaged containers, or containers which are not permanently airtight shall be unlawful and will be subject to embargo, or other remedies provided for by the law.
- 5) Maple syrup containers determined by the Secretary to cause damage to maple syrup shall be removed from sale. The use of such containers for packaging maple syrup is prohibited. All bulk maple syrup containers shall be steam cleaned or sterilized with hot water prior to being filled with maple syrup. Such containers shall be free of water at the time they are filled with maple syrup

Section VII Advertising.

No person shall advertise any maple syrup, maple product, maple flavored product, or artificial maple flavored product in any manner which is untruthful, unfair, or deceptive.

Section VIII Repealer.

The Vermont Agency of Agriculture, Food & Markets regulations dealing with maple syrup and maple products which existed prior to the effective date of these regulations are hereby repealed.

