

Title 6: Agriculture

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.), § 1.)

§ 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) the 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.), § 1.)

§ 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.), § 2.)

§ 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.)
