

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 01 OFFICE OF THE SECRETARY

Chapter 09 Advertising Agricultural Products as Local or Locally Grown

Authority: Agriculture Article §10-1701, Annotated Code of Maryland

.01 Purpose.

A. The purpose of this chapter is to require a person who advertises a particular agricultural product as local or locally grown to disclose certain information about the particular product. It applies to any person who, in advertising a particular agricultural product for sale in this State, represents the particular product to be local or locally grown, including, but not limited to, wholesalers, retail stores, farmers markets, and restaurants.

B. The purpose of the disclosure is to allow a consumer to make his or her own determination as to whether an agricultural product advertised as local conforms to the consumer's own definition of local or locally grown.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Advertise" means to publish, circulate, disseminate, or place before the public in any way or through any medium.

(2) "Agricultural product" means raw meat, eggs, fish, fruits, vegetables, shellfish, and processed dairy products, intended for human consumption..

(3) "Person" includes an individual, association, partnership, corporation, or any other business entity, or an agent or employee of an individual or entity.

(4) "Secretary" means the Secretary of Agriculture or the Secretary's designee.

.03 Prohibition and Disclosure Statement.

A person may not advertise a particular agricultural product for sale as local or locally grown, or use any term that may lead a consumer to believe that the product is local or locally grown, including the term "regional", unless the advertisement includes a disclosure of the place of origin, naming the state where the product was originally grown or raised, or in the case of fish or shellfish, the state where the product was raised or landed.

.04 Posting of Disclosure Statement.

A. A person who is subject to the requirements of this chapter shall post in a clear and conspicuous manner the disclosure statement required by Regulation .03 of this chapter so that it can be seen easily by the consumer before the consumer buys or consumes the product about which the disclosure is made.

B. A person subject to this chapter shall post the disclosure statement required by Regulation .03 of this chapter with or immediately adjacent to any advertisement representing that the product is local or locally grown.

C. If products sourced from different states of origin are intermingled for sale under a single advertisement, a person subject to this chapter shall post the disclosure statement required by Regulation .03 of this chapter for each state from which the intermingled products originated.

.05 Documentation Requirement.

Upon request by the Secretary, a person subject to the requirements of this chapter shall provide the Secretary with documentation that shows the state of origin for any agricultural product advertised for sale as local or locally grown.

.06 Penalty.

A person who knowingly violates this chapter is guilty of a misdemeanor and is subject to a penalty provided in Agriculture Article, Title 12, Annotated Code of Maryland.

Administrative History

Effective date: June 27, 2011 (38:13 Md. R. 757)