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TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 40 - AGRICULTURE AND RESOURCE MARKETING

SUBCHAPTER 20 - MARKETING

PART 12 - Rules and Regulations for the Implementation of the Rhode Island Agricultural and Fisheries Products Identification Service Mark

12.1 Authority

Pursuant to due publication and public hearing the Director has adopted the following Rules and Regulations.

12.2 Definitions

- A. "Director" means Director of the Department of Environmental Management.
- B. "Department" means Department of Environmental Management.
- C. "Label" means any label, tag or imprint with official service mark thereon.
- D. "Official grades" means agricultural commodity grades as promulgated by the Director, provided, however, in the absence of an official Rhode Island grade, the grade established by the Secretary of Agriculture of the United States shall serve.
- E. "Service mark" means Service mark - of the Department of Environmental Management registered with the Rhode Island Secretary of State.

12.3 Application

Any applicant desiring to use the Department's registered service mark on fresh or processed Rhode Island agricultural or fisheries products and is lawfully marketing such products, shall make application to the Department on a form provided by said Department.

12.4 Acceptances

Acceptances before such application is approved or rejected by the Department, a survey will be made by the Department to determine if said applicant can reasonably comply with the Rules and Regulations for the particular product or products named in said application. The Director, after reviewing the survey information, may approve or reject the same for good and sufficient reasons. If approved, an authorization number shall be issued to said applicant by the Department.

12.5 Authorization Numbers

Authorization number so assigned by the Director to an authorized applicant shall remain with the applicant during his active participation in the program, and shall not be assigned or transferable.

12.6 Authorization Certificates

Authorization certificate carrying the authorization number assigned by the Department shall be issued by said Department and shall be on display in the principle place of business of the applicant within the state.

12.7 Official Specifications

The service mark shall not be used unless the agricultural and fisheries products so labeled are in compliance with the official grade specifications established for the product.

12.8 Penalty for Violation

The Director may revoke the right to use or suspend such use of the service mark for good and sufficient reasons. In the case of such revocation or suspension, the applicant shall have the right to be heard. Notice of such hearing must be given within thirty days of revocation and notice of such hearing shall be served personally or by certified mail at least ten days prior to such hearing.

12.9 Amendments

The Director may amend these Rules and Regulations at any time, as he deems necessary.