

TITLE 61
LEGISLATIVE RULES
DEPARTMENT OF AGRICULTURE

SERIES 15
WEST VIRGINIA SEAL OF QUALITY

§61-15-1. General.

1.1. Scope. -- These legislative regulations establish the procedures for the use of the "West Virginia Seal of Quality."

1.2. Authority. -- W. Va. Code §19-2

1.3. Filing Date. -- August 21, 1959

1.4. Effective Date. -- August 21, 1959

§61-15-2. Declaration of policy.

2.1. Pursuant to the authority vested in the Commissioner of Agriculture of the State of West Virginia, by article two, chapter nineteen of the Official Code of West Virginia, 1931, as amended, the Commissioner of Agriculture hereby makes the following rules and regulations which are applicable to the use of the "West Virginia Seal of Quality."

§61-15-3. Rules and regulations.

3.1. The term "West Virginia Seal of Quality" means any label, tag or other device bearing the official emblem as established and adopted by the Department of Agriculture of West Virginia attached to, affixed or placed upon any commodity, crate, carton, package or other container of West Virginia agricultural products packed or processed within the State of West Virginia.

3.2. Only agricultural or farm products produced in the State of West Virginia may be identified by the Seal of Quality.

3.3. Use of the "West Virginia Seal of Quality" shall be elective. Any grower, processor or handler of West Virginia products desiring to use the "West Virginia Seal of Quality" may do so if he make application to the Commissioner of Agriculture and

agrees in writing to have his products inspected and if the products meet the required standards, the commissioner will then furnish "West Virginia Seal of Quality" labels to attach to packages, containers or products or the right to imprint on the produce container or private label the insignia "West Virginia Seal of Quality."

3.4. The State Seal of Quality shall be obtained only at the office of the Commission of Agriculture of the State of West Virginia.

3.5. The use of the State Seal of Quality is available to any person, firm or corporation for use in marketing West Virginia products, but only when such person, firm or corporation complies with the regulations hereby established and any instructions issued herewith.

3.6. No person, firm or corporation shall use the State Seal of Quality in connection with its business unless it has made application to use said Seal with the Department of Agriculture and has agreed to abide by all rules and regulations relating to said Seal of Quality.

3.7. When the Commissioner of Agriculture is satisfied that an applicant is qualified to use the Seal of Quality, he shall grant permission for the applicant to use said Seal of Quality in connection with its business of agriculture or farm products produced in the State of West Virginia.

3.8. If any person, firm or corporation desiring to use the "West Virginia Seal of Quality" has an employee who is capable of correctly grading any product on which the Seal is to be used, then said employer shall cause the employee to sign an affidavit in support of his intent to accurately grade the said product on behalf of the Department of Agriculture.

3.9. The Commissioner of Agriculture will

establish minimum standards for all agricultural products on which the Seal of Quality is to be used and any person, firm or corporation using said seal of Quality must meet the minimum standards for the respective product before the Seal will be used.

3.10. The Commission of Agriculture shall establish a schedule of fees payable by users of said Seal, which fees shall also establish the minimum prices for all labels furnished and for the right to use the imprint on private labels, packages or products.

3.11. Any person, firm or corporation making application and receiving permission to use said Seal of Quality shall agree that the Commissioner of Agriculture or one of his duly authorized employees shall have the right to enter upon the premises of said user and inspect the product or products on which the Seal is used.

3.12. The Commissioner of Agriculture shall assign an identification number to each user of the "West Virginia Seal of Quality," which number shall be affixed to each Seal so used.

3.13. Each Seal shall not be used more than one time and must be attached or affixed to new containers or packages only.

3.14. When the Commissioner of Agriculture has granted permission for the use of said Seal, he shall issue a certificate to the user of said Seal, showing that all the requirements for the use of said Seal have been fully complied with.

3.15. Violation of any of the applicable laws and regulations shall be subject to penalty by revocation of the right to use the "West Virginia Seal of Quality."