

**CHAPTER 71  
GRADES AND STANDARDS**

**Authority**

N.J.S.A. 4:1-11.1, 4:1-23, 4:3-11.12, 4:10-1 et seq.,  
4:10-6, 4:10-13 and 4:10-16 et seq.

**Source and Effective Date**

R.2003 d.434, effective October 7, 2003.  
See: 35 N.J.R. 2974(a), 35 N.J.R. 5060(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 71, Grades and Standards, expires on April 5, 2009. See: 40 N.J.R. 6261(a).

**Chapter Historical Note**

Pursuant to Executive Order No. 66(1978), Subchapter 1, New Jersey Standards for Quality of Individual Shell Eggs, and Subchapter 2, Fruits and Vegetables, were readopted as R.1983 d.394 and d.395, respectively, effective September 1, 1983. See: 15 N.J.R. 1050(a), 15 N.J.R. 1574(a); 15 N.J.R. 1051(a), 15 N.J.R. 1574(b).

Pursuant to Executive Order No. 66(1978), Chapter 71, Grades and Standards, was readopted as R.1988 d.370, effective July 8, 1988. See: 20 N.J.R. 953(a), 20 N.J.R. 1871(a).

Pursuant to Executive Order No. 66(1978), Chapter 71, Grades and Standards, was readopted as R.1993 d.379, effective July 2, 1993. See: 25 N.J.R. 1801(a), 25 N.J.R. 3453(a).

Pursuant to Executive Order No. 66(1978), Chapter 71, Grades and Standards, was readopted as R.1998 d.376, effective June 26, 1998. See: 30 N.J.R. 1459(b), 30 N.J.R. 2617(c).

Subchapter 4, Jersey Fresh Matched Funds Program, was adopted as R.1999 d.175, effective June 7, 1999. See: 31 N.J.R. 572(a), 31 N.J.R. 1478(a).

Administrative change: Pursuant to Reorganization Plan No. 03-2002, the Division of Dairy and Commodity Regulation was renamed Division of Marketing and Development, effective February 27, 2003. See: 35 N.J.R. 3(a), 35 N.J.R. 1539(b).

Chapter 71, Grades and Standards, was readopted as R.2003 d.434, effective October 7, 2003. See: Source and Effective Date. See, also, section annotations.

Subchapter 6, "Jersey Bred" Logo, was adopted as new rules by R.2004 d.6, effective January 5, 2004. See: 35 N.J.R. 3749(a), 36 N.J.R. 169(a).

Subchapter 7, "Jersey Grown" Logo, was adopted as new rules by R.2004 d.201, effective June 7, 2004. See: 36 N.J.R. 626(a), 36 N.J.R. 2715(b).

Subchapter 8, "Jersey Organic" Logo, was adopted as new rules by R.2006 d.412, effective December 4, 2006. See: 38 N.J.R. 2237(a), 38 N.J.R. 4995(a).

Subchapter 9, "Jersey Seafood" Logo, was adopted as new rules by R.2008 d.104, effective April 21, 2008. See: 39 N.J.R. 4887(a), 40 N.J.R. 2105(a).

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SUBCHAPTER 1. NEW JERSEY STANDARDS FOR  
QUALITY OF INDIVIDUAL SHELL EGGS

**2:71-1.1 through 2:71-1.22 (Reserved)**

Repealed by R.1978 d.402, eff. November 21, 1978.  
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

**2:71-1.23 Marketing of shell eggs**

(a) Any eggs which are marketed to consumers, institutional consumers or retailers shall be edible and shall conform to the standards for consumer grades AA, A or B as published in the Federal Register volume 20, number 22, February 1, 1955, part 56 subpart C, known as the Code of Federal Regulations Governing the Grading of Shell Eggs and United States Standards Grades and Weight Classes for Shell Eggs, (7 CFR part 56, subpart C) effective July 1, 1971, and any

further changes in these Federal rules and regulations, after proper promulgation shall be deemed the rules and regulations of the New Jersey State Board of Agriculture:

1. Exception: restricted eggs may be marketed in accordance with the exemption provisions in the Federal Egg Products Inspection Act (Public Law 91-597) and the USDA Regulation Governing the Inspection of Eggs and Egg Products (7 CFR Part 59), and any further changes in these Federal rules and regulations, after proper promulgation shall be deemed to be the rules and regulations of the New Jersey State Board of Agriculture.

As amended, R.1975 d.358, eff. January 1, 1976.  
See: 7 N.J.R. 398(a), 8 N.J.R. 3(a).

**2:71-1.24 through 2:71-1.29 (Reserved)**

Repealed by R.1978 d.402, eff. November 21, 1978.  
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

**2:71-1.30 Certificates of grade**

(a) For the inspection or classification of shell eggs or poultry and the issuance of a certificate of the grade or other classification of such product, the fees and charges for the services of department personnel shall be the same as the current fee schedule of the Agricultural Marketing Service of USDA, as amended, 7 CFR parts 55, 56, 59 and 60.

As amended, R.1970 d.119, eff. October 1, 1970.  
See: 2 N.J.R. 69(c), 2 N.J.R. 89(a).  
As amended, R.1977 d.339, eff. September 7, 1977.  
See: 9 N.J.R. 354(b), 9 N.J.R. 451(b).  
As amended, R.1978 d.115, eff. March 30, 1978.  
See: 10 N.J.R. 90(a), 10 N.J.R. 182(c).  
As amended, R.1978 d.402, eff. November 21, 1978.  
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

**2:71-1.31 Name and address on containers**

(a) The name and address of the packer or distributor shall be considered prominently designated on a container of eggs when in bold-faced type not less than 1/16 inch in height.

1. In consumer graded eggs this designation shall be preceded by the words "Produced and Packed by", "Packed and Distributed by", "Packed for and Distributed by", or "Distributed by", whichever is the correct expression of fact.

2. The street address of the packer or distributor need not be shown provided the name is listed in a current public directory.

(b) For the purposes of this section, "consumer graded eggs" are defined to mean eggs offered for sale to consumers at the retail level.

As amended, R.1978 d.402, eff. November 21, 1978.  
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

**2:71-1.37 Sanitary conditions**

(a) Any compound used for cleaning eggs shall be one that is approved by the United States Department of Agriculture for that purpose and shall be used in accordance with the manufacturer's instructions.

(b) Egg holding rooms, including sales display cases, shall be kept free of the following:

1. An accumulation of dust, litter, broken eggs;
2. Other matter that may create offensive odors or harbor bacteria or molds detrimental to the quality or flavor of eggs.

(c) Equipment used in cleaning, weighing and candling eggs shall be maintained free of dust and broken egg matter and, by use of an acceptable cleaning compound or other method, be cleaned daily to prevent the development of bacteria and molds.

(d) Vehicles used for transporting eggs shall be clean and free of dust, odors or other material detrimental to the quality or flavor of eggs.

**2:71-1.38 Labeling of eggs**

(a) No package, carton, case, container or advertisement shall be labeled so as to include the words "New Jersey", "Jersey", the name of any county, municipality or geographic area within the State, in whole or in part, or any word or words that imply the same except as it appears in the name or address of the packer or distributor unless the eggs contained therein were produced in New Jersey or the declared geographic area thereof.

(b) The name and address of the packer or distributor shall be in bold-face type not less than  $\frac{1}{8}$  inch nor more than  $\frac{9}{32}$  inch in height, all in the same size, style and color of type.

(c) Each package, carton, case, container, display or advertisement may be considered as a separate violation.

R.1973 d.275, eff. April 1, 1974.  
See: 5 N.J.R. 255(b), 5 N.J.R. 328(a).

**2:71-1.39 Use of the New Jersey map symbol on egg packages and in advertising**

(a) "Map symbol" as used in this regulation shall mean any reasonable reproduction of the geographic outline of the State of New Jersey.

(b) The New Jersey Department of Agriculture has approved the use of the New Jersey map symbol under provisions of N.J.S.A. 4:10-5 as an official emblem for identifying New Jersey produced eggs.

(c) Only those persons, firms, partnerships, corporations or associations licensed to use the map symbol shall be permitted to attach or have it imprinted upon a panel of the container in which the eggs are to be marketed or to employ

its use in advertising or in any manner whatsoever. Layout of proposed containers to be used for the marketing of map symbol eggs shall be submitted for approval by the Division of Marketing and Development, New Jersey Department of Agriculture, in advance of their manufacture and use.

(d) Any person, firm, partnership, corporation or association wishing to employ the map symbol to be used in marketing New Jersey produced eggs shall make application to the New Jersey Department of Agriculture for a license to do so. The application shall be made in writing, upon a form provided by the department for this purpose. The application shall reveal such information as is deemed necessary for enforcement of the map symbol program. Information given in the application shall be held confidential.

(e) All applications approved for issuance of license shall have the license granted for the period of one year commencing July 1. Licenses shall be renewed annually upon application filed with the Department 60 days prior to the date of July 1.

(f) All eggs to be packed in cartons or containers bearing the map symbol shall be those produced on New Jersey farms and packed within the State of New Jersey.

(g) All license holders or packers designated by them shall maintain accurate and up-to-date records of the names and addresses of the egg producers from whom they obtain eggs for purposes of packaging in containers bearing the map symbol. Accurate records of all eggs received and those eggs packaged in containers bearing the map symbol shall be maintained and available for examination at all reasonable hours of a normal workday by any representative of the New Jersey Department of Agriculture.

(h) In the event the licensee permits the distribution of map symbol eggs to be performed by persons other than himself, it shall be necessary that he file with the Department of Agriculture the names and addresses of those who perform such distribution.

(i) When a license holder discontinues use of the map symbol or fails to renew his license when required, he shall be prohibited from its use in any manner, to include stationery, forms, advertising on billboards or other signs or on trucks or car panels.

(j) Misuse of the map symbol shall subject the violator to the provisions of N.J.S.A. 4:3-11.23.

R.1973 d.356, effective December 18, 1973.  
See: 5 N.J.R. 362(a), 6 N.J.R. 2(a).  
Amended by R.1978 d.402, effective November 21, 1978.  
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).  
Amended by R.1979 d.229, effective July 1, 1979.  
See: 11 N.J.R. 222(b), 11 N.J.R. 315(c).

**2:71-1.40 Container defined**

“Container” means a package of any description which is capable of being enclosed on all sides and in which eggs are transferred from person to person.

R.1975 d.358, effective January 1, 1976.

See: 7 N.J.R. 398(a), 8 N.J.R. 3(a).

Amended by R.1978 d.402, effective November 21, 1978.

See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

**SUBCHAPTER 2. AGRICULTURAL COMMODITIES****2:71-2.1 New Jersey grades of fruits and vegetables based on United States Standards**

(a) The State Board of Agriculture adopts and promulgates as Official New Jersey Grades the United States Standards for all fruits and vegetables, specifically 7 CFR §51.300 through 51.3749 and 52.1391 through 52.1402; and 21 CFR §§131.110 and 135.110, as amended and supplemented, incorporated herein by reference.

1. Exemption: The New Jersey Standards for asparagus for canning or freezing shall remain in effect as stated in N.J.A.C. 2:71-2.8 through 2:71-2.14.

2. Exemption: The New Jersey Standards for vine ripened tomatoes shall be as set forth in N.J.A.C. 2:71-2.18.

Amended by R.2000 d.380, effective September 18, 2000.

See: 32 N.J.R. 2218(a), 32 N.J.R. 3391(a).

In (a), rewrote introductory paragraph.

Amended by R.2005 d.329, effective October 3, 2005.

See: 37 N.J.R. 2163(a), 37 N.J.R. 3809(c).

In (a), added 2.

**2:71-2.2 Use of “Jersey Fresh” as the logo for the “Jersey Fresh Quality Grading Program” and “Jersey Fresh Quality Premium Program” (referred to as the “logos”) on containers of certain fresh fruits, vegetables, shell eggs, cut flowers, cactus, honey, milk (whole, one percent, two percent, skim, chocolate), ice cream and ice milk**

(a) The New Jersey Department of Agriculture approves the use of Jersey Fresh and Premium Jersey Fresh in conjunction with the New Jersey map symbol under provisions of N.J.S.A. 4:10-5 as an official emblem for identifying New Jersey-produced agricultural commodities.

(b) The configuration of the Jersey Fresh Quality Grading Program Logos and the Jersey Fresh Quality Grading Program Premium Logo are as follows:

(c) Any person, firm, partnership, corporation or association wishing to employ the Jersey Fresh logo to be used in marketing certain New Jersey produced agricultural commodities shall make application to the New Jersey Department of Agriculture for a license and registration number. The application shall be made in writing, upon a form provided by the Department for this purpose. The application shall reveal such information as is deemed necessary for the enforcement of the Jersey Fresh Quality Grading or Premium logo program. Information given in the application shall be held confidential and not subject to review or reproduction under the provisions of N.J.S.A. 47:1A-1 et seq. (P.L. 1963, c.73).

(d) Any person, firm, partnership, corporation or cooperative wishing to transfer ownership of containers bearing a “logo” to licensed registrants shall make application to the New Jersey Department of Agriculture for a license. The application shall be made in writing, upon a form provided by the Department. Information given in the application shall be held confidential and not subject to review or reproduction under the provisions of N.J.S.A. 47:1A-1 et seq. (P.L. 1963, c.73).

(e) All applications approved for issuance of licenses and registration numbers shall have the license granted for the period of one year commencing April 1. Interim licenses and registration numbers may be granted to qualified packers for the remainder of the license year. Applications shall be submitted at least 20 days prior to application approval. The Department shall approve or deny applications within 20 days of receipt.

New Rule R.1985 d.282, effective June 3, 1985.

See: 17 N.J.R. 765(b), 17 N.J.R. 1407(d).

Amended by R.1986 d.201, effective June 2, 1986.

See: 18 N.J.R. 588(b), 18 N.J.R. 1196(a).

Substantially amended.

Amended by R.1987 d.89, effective February 2, 1987.

See: 18 N.J.R. 2347(a), 19 N.J.R. 287(a), 19 N.J.R. 355(a).

New logo replaced logos in the Code. The old logos contained designations of “U.S. Extra No. 1 or Better” or “U.S. No. 1 or Better,” pursuant to the U.S.D.A. requirements. Rest of section substantially amended.

Amended by R.1989 d.235, effective April 6, 1989.

See: 21 N.J.R. 591(a), 21 N.J.R. 1118(a).

Added language “Jersey Fresh Quality Premium Program” and added new logo for Premium Program. In (d) and (e) corrected form of P.L. 1963, c.73.

Amended by R.1990 d.354, effective July 16, 1990.

See: 22 N.J.R. 1296(a), 22 N.J.R. 2140(b).

(c) deleted, (d)-(e) recodified as (c)-(d) and new (e) added regarding issuance of licenses and registration numbers.

Amended by R.1992 d.374, effective October 5, 1992.

See: 24 N.J.R. 2318(b), 24 N.J.R. 3511(b).

Revised (a) and (b).

Amended by R.1994 d.485, effective September 19, 1994.

See: 26 N.J.R. 2831(a), 26 N.J.R. 3828(a).

Administrative correction, effective June 5, 2000.

See: 32 N.J.R. 2047(a).

Amended by R.2000 d.380, effective September 18, 2000.

See: 32 N.J.R. 2218(a), 32 N.J.R. 3391(a).

In (a), inserted "and Premium Jersey Fresh" preceding "in conjunction with".

### 2:71-2.3 Fee and reporting requirements for Jersey Fresh Quality Grading Program participation

(a) A non-refundable fee of \$30.00 shall accompany the application form and shall be made payable to the New Jersey Farm Products Publicity Fund.

(b) Licensees packing Jersey Fresh Quality Grading program commodities may mark with self-adhesive labels, rubber stamp or use imprinted fiberboard containers to identify those commodities as being packed under the "logo" program. For required markings, see N.J.A.C. 2:71-2.5.

(c) A copy of each shipping invoice or a statement shall be supplied to the Department by the licensed person, firm, partnership, corporation or co-operative that transfers ownership of containers or stamps bearing the "logo" to the licensed registrant.

(d) Each licensed packer shall submit by December 31 of each license year a report, on forms supplied by the Department, indicating the number of containers packed by commodity under the Jersey Fresh Quality Grading Program. Failure to timely supply the above may be cause for denial or delay of licensing for the following licensing year.

(e) Producers shall send to the Division of Marketing and Development, by the 10th of each month, on a form provided by the New Jersey Department of Agriculture, the following information for the month prior: the total hundredweight of raw milk (converted to gallons) received from New Jersey dairy farms and the number of pints, quarts, half gallons and gallons bottled in containers bearing the "Jersey Fresh" logo, also converted to gallons. The information reported shall be considered confidential and used only to determine compliance with this chapter as to the use of New Jersey-produced milk.

(f) Producers shall send to the Division of Marketing and Development, by the 10th of each month, on a form provided by the New Jersey Department of Agriculture, the following information for the month just prior: the total hundredweight of New Jersey-produced milk used, the formulas used in the manufacture of products bearing the "Jersey Fresh" or "Premium Jersey Fresh" logo, and the total amount, in pounds, of the above products produced. The information reported shall be considered confidential and used only to determine compliance with this chapter as to the use of New Jersey-produced milk and ingredients.

(g) Wineries shall send to the Division of Marketing and Development, by the 30th of each January, the gallons of

wine sold and ingredients used for all wine sold under the "Jersey Fresh" logo during the previous calendar year. This report will list the wine by varieties also converted to gallons. The information reported shall be considered confidential and used only to determine compliance with this chapter as to the use of New Jersey-produced wine and ingredients.

New Rule R.1985 d.282, effective June 3, 1985.

See: 17 N.J.R. 765(b), 17 N.J.R. 1407(d).

Amended by R.1986 d.201, effective June 2, 1986.

See: 18 N.J.R. 588(b), 18 N.J.R. 1196(c).

Substantially amended.

Amended by R.1987 d.89, effective February 2, 1987.

See: 18 N.J.R. 2347(a), 19 N.J.R. 287(a), 19 N.J.R. 355(a).

Subsection (c) substantially amended; (f) added.

Amended by R.1988 d.370, effective August 1, 1988.

See: 20 N.J.R. 953(a), 20 N.J.R. 1871(a).

Added new (d); renumbered old (d)-(f) to (e)-(g).

Amended by R.1990 d.354, effective July 16, 1990.

See: 22 N.J.R. 1296(a), 22 N.J.R. 2140(b).

(b)-(g) deleted, new (b)-(d) added regarding fees and reporting requirements, logo labels discontinued from Department.

Amended by R.2000 d.380, effective September 18, 2000.

See: 32 N.J.R. 2218(a), 32 N.J.R. 3391(a).

Added (e) and (f).

Amended by R.2004 d.422, effective November 15, 2004.

See: 36 N.J.R. 2319(a), 36 N.J.R. 5088(b).

In (a), inserted "non-refundable" preceding "fee" and deleted the second sentence; in (f), substituted "used" for "received from dairy processors" and "products" for "ice cream", inserted "or 'Premium Jersey Fresh'" preceding "logo".

Amended by R.2005 d.329, effective October 3, 2005.

See: 37 N.J.R. 2163(a), 37 N.J.R. 3809(c).

Added (g).

### 2:71-2.4 Agricultural commodities intended to be marketed under the Jersey Fresh Quality Grading Program and Premium Program

(a) Only apples, alfalfa sprouts, asparagus, beets (bunched), beets (topped), beet greens, blueberries, bok choy, broccoli greens, broccoli rabe (rapini), bunched Italian sprouting broccoli, cabbage (domestic, savoy and red), cabbage (Chinese), cantaloupes, carrots (topped), carrots (bunched), cauliflower, celery root, collard greens, sweet corn, cranberries, cubanelle peppers, cubanelle peppers (red), cucumbers, cucumbers (cukes), cucumbers (pickling type), cucumbers (slicing type), dandelion greens, eggplants, endive, escarole, fennel (sweet anise), herbs (fresh), horseradish roots, kale, kohlrabi, leeks, bibb lettuce, big Boston lettuce, iceberg lettuce, lettuce (green leaf and red leaf, lolla rosa and red oak leaf), romaine lettuce, radicchio lettuce, mustard greens, nectarines, okra, common green onions, parsley, parsnips, peaches, fresh peas, cheese peppers, hot peppers (green or red), sweet peppers (green and red, bell type), sweet peppers (yellow, bell type), sweet potatoes, white potatoes, pumpkins, radishes (bunched), raspberries, rhubarb, rutabagas, salad mixes, shallots (topped), snap beans, spinach (bunched), spinach plants, strawberries, summer squash (yellow or green), fall and winter squash (butternut, acorn and spaghetti), Swiss chard, tomatoes (fresh market), cherry tomatoes, plum tomatoes, grape tomatoes, turnips (bunched), turnip (topped), turnip greens, watermelons (sugar baby), shell eggs, cut flowers, cactus, and honey may be identified by the logo.

(b) A New Jersey producer of raw milk or an organization of New Jersey producers of raw milk is permitted to make application to the New Jersey Department of Agriculture for a license and registration number to employ the use of the Jersey Fresh logo to market "Jersey Fresh Milk," "Jersey Fresh Flavored Milk," "Made with Jersey Fresh Milk" and "Made with Premium Jersey Fresh Milk" from raw milk produced in New Jersey.

1. Milk marketed under the "Jersey Fresh" logo may not be co-mingled with fluid milk produced outside the State of New Jersey.

(c) Raw milk used to process "Jersey Fresh Milk," "Jersey Fresh Flavored Milk" and "Made with Jersey Fresh Milk" displaying the Jersey Fresh logo shall meet all grade A requirements set forth at N.J.A.C. 8:21-10 and the United States Food and Drug Administration at 21 C.F.R. § 131.110, as amended and supplemented, incorporated herein by reference.

(d) Raw milk used to process products "Made with Premium Jersey Fresh Milk" shall meet the standards set forth in (c) above as well as a somatic cell count not exceeding 300,000 cells per milliliter.

(e) Ice cream marketed using the "Made with Jersey Fresh Milk" logo shall meet all requirements set forth at N.J.A.C. 8:21-7 and the United States Food and Drug Administration at 21 C.F.R. § 135.110, as amended and supplemented, incorporated herein by reference. In addition, these products shall be produced using only raw or pasteurized milk and milk products obtained from New Jersey dairy farms. All other agricultural ingredients subject to this chapter used in the production of these products shall be produced in New Jersey, contingent only upon seasonal availability.

(f) A New Jersey winery is permitted to make application to the New Jersey Department of Agriculture for a license and registration number to employ the use of the "Jersey Fresh" logo to market wine produced in New Jersey.

1. All wine using the "Jersey Fresh" logo on its packaging shall only be produced from grapes, fruit, and other agricultural products that were grown in New Jersey. Wine marketed under the "Jersey Fresh" logo shall not be commingled with grapes, fruit or other agricultural products grown or produced outside the State of New Jersey.

2. The Department hereby adopts and incorporates by reference as amended and supplemented the Davis 20-point scale (1995), which forms the basis for the Garden State Wine Growers Association, Quality Wine Alliance (QWA) Program.

3. A copy of the Davis 20-point scale and Quality Wine Alliance Program guidelines are available by contacting Executive Director of the Garden State Winegrowers Association. The phone number is: (609) 890-8188. A copy

is also available in the Director's Office, Division of Marketing and Development, New Jersey Department of Agriculture, PO Box 330, Trenton, NJ 08625-0330.

4. All wine bearing the "Jersey Fresh" logo must score a minimum of 13 (out of 20) points on the QWA. This designates the wine as free from flaws.

(g) All commodities, other than peaches and those set forth in (b) through (f) above, may be identified by the premium "logo" if graded and packed in accordance with the requirements in N.J.A.C. 2:71-2.5, with the exception that the applicable tolerances will be two percent less than the total tolerance stated in the United States Standards (identified at N.J.A.C. 2:71-2.1) or this chapter for the commodities in the premium program.

1. For peaches to be marketed as "premium," they must meet the requirements of the United States Department of Agriculture's (USDA's) US Fancy Grade; be grown and packed in accordance with the United States Department of Agriculture's Good Agricultural Practices/Good Handling Practices Program, which includes the Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables (October 1998) along with 2005 Audit Matrix and Score Sheets to determine compliance, hereby adopted and incorporated by reference as amended and supplemented; and be packed and shipped within seven days of harvest.

2. A copy of the U.S. Food and Drug Administration's Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables (October 1998) may be found at <http://vm.cfsan.fda.gov/~dms/prodglan.html>. A copy of USDA's Good Agricultural Practices/Good Handling Practices Program, including the 2005 Audit Matrix and the Score Sheets may be obtained at [www.ams.usda.gov/fv/fpbgapghp.htm](http://www.ams.usda.gov/fv/fpbgapghp.htm). A copy of this information is also on file in the Director's Office, Division of Marketing and Development, New Jersey Department of Agriculture, PO Box 330, Trenton, NJ 08625-0330.

(h) All agricultural commodities marketed under the "logo" program shall be produced in New Jersey, and packed at a site approved by the Department.

New Rule R.1985 d.282, effective June 3, 1985.

See: 17 N.J.R. 765(b), 17 N.J.R. 1407(d).

Amended by R.1986 d.201, effective June 2, 1986.

See: 18 N.J.R. 588(b), 18 N.J.R. 1196(c).

Substantially amended.

Amended by R.1987 d.89, effective February 2, 1987.

See: 18 N.J.R. 2347(a), 19 N.J.R. 287(a), 19 N.J.R. 355(a).

Added "peaches" and deleted "Jersey Fresh" from the logo program.

Amended by R.1987 d.442, effective November 2, 1987.

See: 19 N.J.R. 1593(c), 19 N.J.R. 1987(a).

Added raspberries.

Amended by R.1988 d.97, effective March 7, 1988.

See: 19 N.J.R. 2327(a), 20 N.J.R. 525(a).

Added sweet anise (fennel), apples, asparagus, cucumbers (pickling type), endive, escarole, nectarines, okra, parsley and romaine to be identified by logo.

Amended by R.1988 d.421, effective September 6, 1988.

See: 20 N.J.R. 1129(b), 20 N.J.R. 2254(a).

as an official emblem for identifying New Jersey bred horses and 4-H market lambs.

(b) Only those persons, firms, partnerships, corporations or associations licensed to use the Jersey Bred logo shall be permitted to attach or have it imprinted upon any documents related to their horses and 4-H market lambs or to employ its use in advertising or in any manner whatsoever. Layout of proposed advertising to be used for the marketing of Jersey Bred horses and 4-H market lambs shall be submitted for approval by the Division of Marketing and Development, New Jersey Department of Agriculture, in advance of their manufacture and use.

(c) Any person, firm, partnership, corporation or association wishing to employ the Jersey Bred logo to be used in marketing New Jersey produced horses and 4-H market lambs shall make application to the New Jersey Department of Agriculture for a license to do so. The application shall be made in writing, upon a form provided by the Department for this purpose. The application shall reveal the name and address of the user, the type of animal for which the user is seeking a license and other such information as is deemed necessary for enforcement of the Jersey Bred program. The Department will hold confidential any information provided in the application which constitutes proprietary commercial or financial information, or is otherwise protected from disclosure under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., subject to the limitations set forth therein.

(d) All applications approved for issuance of license shall have the license granted for the period of one year commencing July 1. Licenses shall be renewed annually upon application filed with the Department 60 days prior to the date of July 1.

(e) A fee of \$30.00 shall accompany the application form and shall be made payable to the New Jersey Farm Products Publicity Fund. If an applicant is deemed ineligible, the fee shall be refunded.

(f) When a license holder discontinues use of the Jersey Bred logo, fails to renew his or her license when required or has his or her license revoked, he or she shall be prohibited from its use in any manner, including, but not limited to, stationery, forms, advertising on billboards or other signs or on trucks or car panels.

(g) The configuration of the Jersey Bred Logo is as follows:



(h) All horses and 4-H market lambs marketed under the "logo" program shall be produced in New Jersey under the conditions set forth in N.J.A.C. 2:71-6.4 and 6.5.

(i) Any licensed producer using the Jersey Bred logo for horses and 4-H market lambs without satisfying the requirements set forth in N.J.A.C. 2:71-6.4 and 6.5, any unlicensed producer using the Jersey Bred logo, or anyone violating any provision of N.J.S.A. 4:10-14 shall be subject to a penalty of not more than \$50.00 for the first offense and not more than \$100.00 for each subsequent offense, except for violations of N.J.S.A. 4:10-5 which penalty shall be \$50.00.

(j) After the second violation of any part of this subchapter by the same licensed producer during the same calendar year, the license to use the Jersey Bred logo shall be revoked for the remainder of the license year. A preliminary determination of revocation made by the Department shall be reviewed and approved by the State Board.

(k) Orders for penalties or to enjoin continuing violations may be enforced by summary action brought in the name of the Department in Superior Court or Municipal Court.

(l) Upon revocation of a license, a producer may reapply for a license for the next license year.

**2:71-6.4 Horses**

(a) A Jersey Bred pleasure horse shall meet all requirements set forth in N.J.A.C. 2:34-2.1(b).

(b) A Jersey Bred Standardbred shall meet all requirements set forth in N.J.A.C. 2:32-2.2.

(c) A Jersey Bred Thoroughbred shall meet all requirements set forth in N.J.A.C. 13:70-6.53.

**2:71-6.5 4-H market lambs**

All 4-H market lambs born in the State of New Jersey will be eligible for the use of the Jersey Bred logo as long as the ewe has been in the State for the last trimester (50 days) of her pregnancy.

SUBCHAPTER 7. "JERSEY GROWN" LOGO

**2:71-7.1 Scope and purpose**

A New Jersey producer who is certified pursuant to N.J.A.C. 2:16 to sell or distribute nursery stock or plant material is permitted to make application to the New Jersey Department of Agriculture for the use of the "Jersey Grown" logo in marketing their nursery stock and plant material. In addition, a New Jersey grower who complies with the requirements set forth in N.J.A.C. 2:71-7.3 and 7.5 is permitted to make application to the New Jersey Department of Agriculture for the use of the "Jersey Grown" logo in marketing their cut Christmas trees.

Amended by R.2006 d.424, effective December 4, 2006.  
See: 38 N.J.R. 3345(a), 38 N.J.R. 4994(a).  
Added final sentence.

## 2:71-7.2 Definitions

For the purposes of this subchapter, the following words and terms shall have the following meanings unless the context clearly indicates otherwise.

“Agriculture” means the production of plants and animals useful to man, including all forms of farm products and farm production.

“Certificate” means a document authorized or prepared by a duly authorized Federal or State regulatory official that affirms, declares, or verifies that an article, nursery stock, plant, product, shipment or any other officially regulated article meets phytosanitary (quarantine), nursery inspection, pest freedom, plant registration or certification, or other set of legal requirements (N.J.S.A. 4:7-15 et seq.).

“Certification” means the act, by a duly authorized regulatory official of the Department, of affirming, declaring, or verifying compliance with nursery inspection, pest freedom, plant registration or certification, or any other set of legal requirements.

“Cut Christmas tree” means sheared stock of the coniferous species which are normally cut and marketed as Christmas trees or holiday trees and include the following species:

1. Leyland Cypress (*Cupressocyparis Leylandii*);
2. Douglas Fir (*Pseudotsuga Menziesii*);
3. Balsam Fir (*Abies Balsamea*);
4. Canaan Fir (*Abies Balsamea* var. *Phanerolepis*);
5. Red Fir (*Abies Magnifica*);
6. White Fir (*Abies Concolor*);
7. Fraser Fir (*Abies Fraseri*);
8. Grand Fir (*Abies Grandis*);
9. Noble Fir (*Abies Procera*);
10. White Spruce (*Picea Glauca*);
11. Blue Spruce (*Picea Pungens*);
12. Norway Spruce (*Picea Abies*);

13. Eastern Red Cedar (*Juniperus Virginiana*);
14. Red Pine (*Pinus Resinosa*);
15. White Pine (*Pinus Strobus*);
16. Southwestern White Pine (*Pinus Strobiformis*);
17. Virginia Pine (*Pinus Virginiana*); and
18. Scotch Pine (*Pinus Sylvestris*).

“Grower” means, but is not limited to, any person who raises, grows, or propagates cut Christmas trees, whether for profit or other reasons, or whether outdoors or indoors.

“Nursery” means any location where nursery stock is grown, propagated, stored, or sold; or any location from which nursery stock is distributed direct to a customer.

“Nursery Certificate” is a document issued by the Department indicating that the nursery stock was inspected pursuant to N.J.S.A. 4:7-15 et seq. and certified to be apparently free of dangerously injurious insects, highly invasive weed plants and plant diseases. The certificate is valid for one calendar year or until a subsequent inspection finds infestation of dangerously injurious plant pests or diseases.

“Nursery stock” means all plants, trees, shrubs, and vines grown for sale, as well as grafts, cuttings, and buds and other parts of plants that may be sold for propagation, whether cultivated or wild; but shall not include herbaceous annuals or plants, flowers, vines or cuttings grown under glass and commonly known as florists’ stock.

“Plant material” includes any part of a plant, tree, aquatic plant, plant product, plant material, shrub, vine, fruit, rhizome, vegetable, seed, bulb, stolon, tuber, corm, pip, cutting, scion, bud, graft, or fruit pit.

“Plant pest” includes, but is not limited to: any pest of plants, agricultural commodities, crop seed, farm products, horticultural products, nursery stock, or non-cultivated plants. This includes, but is not limited to: insects, snails, nematodes, fungi, viruses, bacterium, microorganisms, mycoplasma like organisms, weeds, plants, or parasitic higher plants.

“Producer” means a farmer who raises, grows, propagates or maintains, for profit or other reasons, outdoors or indoors, any horticultural product, plant material or nursery stock in New Jersey.

“Secretary” means the Secretary of the State of New Jersey Department of Agriculture or his or her designee.

“Sell” means an offer for sale, expose for sale, possess for sale, exchange, barter, or trade.

Amended by R.2006 d.424, effective December 4, 2006.

See: 38 N.J.R. 3345(a), 38 N.J.R. 4994(a).

Added definition “Cut Christmas tree”; in definition “Grower”, inserted “cut Christmas trees, whether” and “or whether” and deleted “, any horticultural product, nursery stock, or plant” from the end; and rewrote definition “Producer”.

### 2:71-7.3 Use of the “Jersey Grown” logo

(a) The New Jersey Department of Agriculture approves the use of “Jersey Grown” in conjunction with the New Jersey map symbol under provisions of N.J.S.A. 4:10-5 and 4:10-15 as an official emblem for identifying New Jersey produced plant material and cut Christmas trees.

(b) Persons, firms, partnerships, corporations or associations must first obtain a valid nursery certificate, issued by the Division of Plant Industry pursuant to N.J.A.C. 2:16, before applying to utilize the “Jersey Grown” logo on plant material or nursery stock. Persons, firms, partnerships, corporations or associations utilizing the “Jersey Grown” logo on cut Christmas trees need only be licensed in accordance with this section and comply with the requirements of N.J.A.C. 2:71-7.5. No nursery certificate is needed.

(c) Only those persons, firms, partnerships, corporations or associations licensed to use the “Jersey Grown” logo shall be permitted to attach or have it imprinted upon any documents related to their nursery stock, plant material or cut Christmas trees or to employ its use in advertising or in any manner whatsoever. Layout of proposed advertising to be used for the marketing of “Jersey Grown” plants and nursery stock shall be submitted for approval by the Division of Marketing and Development, New Jersey Department of Agriculture, in advance of their manufacture and use.

(d) Any person, firm, partnership, corporation or association wishing to employ the “Jersey Grown” logo in marketing New Jersey produced plant materials, nursery stock, and cut Christmas trees shall make application to the New Jersey Department of Agriculture for a license to do so. The application shall be made in writing, upon a form provided by the Department for this purpose. The application shall reveal the name, address and nursery certificate of the user, the type of plant material, nursery stock or cut Christmas tree for which the user is seeking a license and other such information as is deemed necessary for enforcement of the “Jersey Grown” program. The Department will hold confidential any information provided in the application which constitutes proprietary commercial or financial information, or is otherwise protected from disclosure under the Open Public Records Act, N.J.S.A. 4:1A-1 et seq., subject to the limitations set forth therein.

(e) All applications approved for issuance of license shall have the license granted for the period of one year commencing July 1. Licenses shall be renewed annually upon application filed with the Department 60 days prior to the date of July 1.

(f) A non-refundable fee of \$30.00 shall accompany the application form and shall be made payable to the New Jersey Farm Products Publicity Fund.

(g) When a license holder discontinues use of the Jersey Grown logo, fails to renew his license when required or has his license revoked, he shall be prohibited from its use in any manner, including, but not limited to, stationery, forms, advertising on billboards or other signs or on trucks or car panels.

(h) The configuration of the Jersey Grown logo is as follows:



(i) All nursery stock marketed under the logo program shall be propagated and/or be grown in New Jersey for a period of at least six months under the conditions set forth in this section and N.J.A.C. 2:71-7.4. All cut Christmas trees marked under the logo program shall be propagated and/or be grown in New Jersey for a period of at least four years prior to retail sale under the conditions set forth in N.J.A.C. 2:71-7.5.

(j) Any licensed producer using the “Jersey Grown” logo for nursery stock or plant material without satisfying the requirements set forth in this section and N.J.A.C. 2:71-7.4, any licensed grower using the “Jersey Grown” logo for cut Christmas trees without satisfying the requirements set forth in this section and N.J.A.C. 2:71-7.5, any unlicensed or uncertified producer or grower using the “Jersey Grown” logo, or anyone violating any provision of N.J.S.A. 4:10-14 shall be subject to a penalty of not more than \$50.00 for the first offense and not more than \$100.00 for each subsequent offense, except for violations of N.J.S.A. 4:10-5 which penalty shall be \$50.00.

(k) After the second violation of any part of this subchapter by the same licensed producer or grower during the same calendar year, the license to use the “Jersey Grown” logo shall be revoked for the remainder of the license year.

(l) The Division of Marketing and Development shall make an initial determination as to whether to deny an initial license, or revoke a license as provided in subsections (j) and (k) of this section.

(m) Any applicant who is aggrieved by the determination of the Division of Marketing and Development pursuant to (l) above, shall, upon written request transmitted to the Department within 20 days of the license denial, or notice of intent to revoke a license, be afforded the opportunity for a hearing thereon in the manner provided for contested cases pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

1. Requests for hearings shall be sent to Alfred Murray, Director, Division of Marketing and Development, N.J. Department of Agriculture, PO Box 330, Trenton, New Jersey 08625-0330.

(n) The State Board of Agriculture shall make a final determination as to whether to deny or revoke a license following a hearing as provided in (m) above.

(o) Orders for penalties or to enjoin continuing violations may be enforced by summary action brought in the name of the Department in Superior Court or Municipal Court.

(p) Upon revocation of a license, a producer or grower may reapply for a license for the next license year.

Amended by R.2006 d.424, effective December 4, 2006.  
See: 38 N.J.R. 3345(a), 38 N.J.R. 4994(a).

In (a), inserted "and cut Christmas trees"; in (b), (c), (d) and (j), inserted quotation marks around "Jersey Grown" throughout; in (b), inserted "on plant material or nursery stock" and added last sentence; in (c), inserted "nursery stock," and "or cut Christmas trees"; in (d), deleted "and" following "plant materials," inserted ", and cut Christmas trees", substituted a comma for "or" following "plant material" and inserted "or cut Christmas tree"; in (i), deleted quotation marks around "logo" and added last sentence; in (j), inserted "any licensed grower using the 'Jersey Grown' logo for cut Christmas trees without satisfying the requirements set forth in this section and N.J.A.C. 2:71-7.5;" and "or grower"; and in (k) and (p), inserted "or grower".

#### 2:71-7.4 Plant material and nursery stock

(a) Pursuant to the authority of N.J.A.C. 1:30-2.2, the Department hereby adopts and incorporates by reference, the American National Standards Institute, "American Standard for Nursery Stock," ANSI Z60.1-1996 as the standard for the nursery stock. All nursery stock shall meet or exceed the nursery stock and plant standards set forth the American Nursery and Landscape Association ANSI Z60.1-1996.

1. Copies may be obtained by contacting the American Nursery and Landscape Association, 1250 I Street, N.W., Suite 500, Washington, DC 20005.

2. A copy is on file in the Director's office—Division of Plant Industry, New Jersey Department of Agriculture, PO Box 330, Trenton, New Jersey 08625-0330

(b) All nursery stock marketed under this program shall be maintained free of injurious insects and plant diseases. Pursuant to the authority of N.J.A.C. 1:30-2.2, the Department hereby adopts and incorporates by reference, the Rutgers Cooperative Extension publication "Pest Control

Recommendations for Shade Tree and Commercial Nursery Crops" (E036T) for use as a guide by New Jersey plant and nursery stock producers to ensure freedom from injurious plant pests and diseases.

1. Copies of this publication may be purchased from Rutgers, The State University of New Jersey, Publications Distribution Center, RCE, Cook College, 57 Dudley Road, New Brunswick, NJ 08901-8520. In addition, the publication is available free of charge on the Rutgers Cooperative Extension website at <http://www.rce.rutgers.edu>.

2. A copy is on file in the Director's office—Division of Plant Industry, New Jersey Department of Agriculture, PO Box 330, Trenton, New Jersey 08625-0330.

(c) All nurseries and plant producers shall be certified by the Department of Agriculture, Division of Plant Industry in accordance with N.J.A.C. 2:16 and 2:18-1.1 through 1.6.

(d) All nursery stock shall be propagated and/or be grown in New Jersey for a period of at least six months prior to retail sale.

#### 2:71-7.5 Cut Christmas trees

(a) Pursuant to the authority of N.J.A.C. 1:30-2.2, the Department hereby adopts and incorporates by reference, the "United States Standards for Grades of Christmas Trees" §51.3085 through 51.3106, effective October 30, 1989 and reprinted January 1997, as amended and supplemented, as the standard for cut Christmas trees. All cut Christmas trees utilizing the "Jersey Grown" logo shall meet or exceed the standards set forth at §51.3087 for grade "U.S. No. 1".

(b) Copies of the "United States Standards for Grades of Christmas Trees" may be obtained from the following:

1. U.S. Department of Agriculture, Agricultural Marketing Service, Fresh Products Branch Standardization Section, Fruit and Vegetable Programs, 1400 Independence Ave, SW Room 2065-S, Stop Code 0240, Washington, D.C. 20250-0240;

2. Online at the Agricultural Marketing Service website: <http://www.ams.usda.gov/standards/christtr.pdf>;

3. The Director's office - Division of Marketing and Development, New Jersey Department of Agriculture, P.O. Box 330, Trenton, New Jersey 08625-0330; or

4. The Executive Secretary's office - New Jersey Christmas Tree Growers Association, P.O. Box 211, Stockton, NJ 08559.

(c) Leyland Cypress, Norway Spruce, Southwestern White Pine and Canaan Fir, which are not listed in the United States Standards for Grades of Christmas Trees, shall comply with all listed standards with the exception of the density standards, defined at §51.3097, which shall be as follows: