Rules and Regulations of the State of Georgia

Department 469 AGRICULTURAL COMMODITY COMMISSION FOR PEACHES

Current through Rules and Regulations filed through November 6, 2026

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date.

Chapter 469-1, entitled "Marketing Order for Peaches," containing Rules 469-1-.01 through 469-1-.14, was filed and effective on June 30, 1965.

Rule 469-1-.08 has been amended. Filed May 1, 1987; effective May 21, 1987. Paragraph 469-1-.09(1) has been amended. Filed May 19, 1987; effective June 8, 1987.

Cite as Ga. Comp. R. & Regs. R. dept. 469, ADMINISTRATIVE HISTORY

Chapter 469-1. MARKETING ORDER FOR PEACHES.

Rule 469-1-.01. Product Affected.

Peaches.

Cite as Ga. Comp. R. & Regs. R. 469-1-.01
Authority: Ga. L. 1961, p. 301 as amended.
History. Original Rule entitled "Product Affected" was filed and effective on June 30, 1965.

Rule 469-1-.02. Area of Production Affected.

The entire State of Georgia.

Cite as Ga. Comp. R. & Regs. R. 469-1-.02
Authority: Ga. L. 1961, p. 301 as amended.
History. Original Rule entitled "Area of Production" was filed and effective on June 30, 1965.

Rule 469-1-.03. Scope of Operation.

(1) Research.

(2) Promotion.

(3) Education.

(4) Establishing grading standards of quality, including a requirement that no peaches be offered for sale other than the following grades: U.S. Fancy, U.S. No. 1, and U.S. No. 2; including the authority of the Commission to prohibit the sale for the fresh market of the peaches below the size of from 1 5/8" to 1 7/8" minimum to be determined by the Commission; and further authorizing the sale of ripe peaches, but not mushy or leaking peaches, with the authority of the Commission to establish regulations relative to the sale thereof. Immature peaches shall not be offered for sale under any condition.

The Commission shall further have the authority to lower the grade below a U.S. No. 2.

(5) This section was deleted as a result of the testimony given at a public hearing.

(6) Establishing of surplus, stabilization, or by-product pool or pools, and to provide for the sale or disposition of the peaches in any such pool or pools, including, but not limited to the erection, maintenance, and operation of processing plants.

(7) To provide a means for the prohibition of unfair trade practices, relating to misleading the buyer, purchaser or consumer, and to contest any trade practices affecting the processing, distribution or handling of peaches.

Cite as Ga. Comp. R. & Regs. R. 469-1-.03
Authority: Ga. L. 1961, p. 301 as amended.
History. Original Rule entitled "Scope of Operation" was filed and effective on June 30, 1965.

Rule 469-1-.04. Extent of Operation.

The extent of operation under the statutory authority shall be as determined by the Commission within the limitations of the statutory authority. The Commission shall have the right to determine the activities of the Commission and the expenditure of funds under any one or all of the areas permitted under statutory authority.

Cite as Ga. Comp. R. & Regs. R. 469-1-.04
Authority: Ga. L. 1961, p. 301 as amended.
History. Original Rule entitled "Extent of Operation" was filed and effective on June 30, 1965.

Rule 469-1-.05. Term of Operation.

The term of operation under this Order shall be for the year beginning July 1, 1961, and ending June 30, 1962, and from year to year thereafter until terminated by law.

Cite as Ga. Comp. R. & Regs. R. 469-1-.05
Authority: Ga. L. 1961, p. 301 as amended.

History. Original Rule entitled "Term of Operation" was filed and effective on June 30, 1965.

Rule 469-1-.06. Method of Approval.

(1) The approval of this Order shall be by written assent of the producers as authorized and provided by Section 14(a), Ga. L. 1961, p. 301 as amended. The approval by producers shall be in an amount not less than 65 per cent of the producers who produce not less than 51 per cent of the total volume of production, or upon the approval of not less than 51 per cent of the producers who produce not less than 65 per cent of the total volume of production.

(2) The approval shall be determined by the Commission upon receipt of written assent of producers.

(3) The approval of members of non-profit agricultural cooperative marketing associations (co-ops) may be had under the provisions of Section 14(a), (3), Ga. L. 1961, p. 301 as amended.

Cite as Ga. Comp. R. & Regs. R. 469-1-.06
Authority: Ga. L. 1961, p. 301 as amended.
History. Original Rule entitled "Method of Approval" was filed and effective on June 30, 1965.

Rule 469-1-.07. Time for Approval.

Written assents or rejections shall be received by the Commission during the period of June 13, 1961, through July 25, 1961, with the authority of the Commission to declare this Order approved upon the receipt of the requisite number of assents from producers who produce the requisite percentage of peaches.

Cite as Ga. Comp. R. & Regs. R. 469-1-.07
Authority: Ga. L. 1961, p. 301 as amended.
History. Original Rule entitled "Time for Approval" was filed and effective on June 30, 1965.

Rule 469-1-.08. Affected Producers.

This Order shall apply to all producers of peaches in this State who produce commercially packed and processed peaches for sale within and without the State, and in addition thereto, the provisions of the Order, relating to grading, selling and marketing of peaches, shall be applicable to all peaches sold in this State.

Cite as Ga. Comp. R. & Regs. R. 469-1-.08
Authority: Ga. L. 1961, p. 301 as amended.
History. Original Rule entitled "Affected Producers" was filed and effective on June 30, 1965.

Amended: Filed May 1, 1987; effective May 21, 1987.

Rule 469-1-.09. Method of Finance.

(1) Projects, undertakings and expense incurred under this Order shall be financed by an assessment and levy of not more than ten cents (10¢) per bushel (50 lbs.) on all packed fruit for sale as fresh fruit. "Packed" means the specific arrangement by size, weight, count or grade of any quantity of peaches in a particular type and size of container or any combination thereof. Not more than one cent (1¢) per bushel (50 lbs.) on peaches for processing other than for wine, pickles and spiced peaches, which shall be one-half cent (1/2¢) per bushel (50 lbs.) This shall be based on weight or bushel on which the producer received payment. The assessment and levy shall be against the producer of peaches. Upon the approval of the requisite number of producers and effective as of May 1, 1965 and on each May 1 thereafter, a levy and assessment of not more than ten cents (10¢) per bushel (50 lbs.) on all packed fruit for sale as fresh fruit and not more than one cent (1¢) per bushel (50 lbs.) on peaches for processing other than for wine, pickles and spiced peaches, which shall be one-half cent (1/2¢) per bushel (50 lbs.) is hereby made. Such levy shall continue of force and effect until this Order is suspended or superseded as provided by law and during the time this Order remains of force and effect.

(2) To the end that the Commission shall have such funds to defray expenses pending the collection of such funds under the levy and assessment herein provided, the Commission shall be authorized to borrow money and hypothecate anticipated collections as authorized under Section 16(d), Georgia Laws 1961, p. 301 as amended.

Cite as Ga. Comp. R. & Regs. R. 469-1-.09
Authority: O.C.G.A. Sec. 2-8-1.
History. Original Rule entitled "Method of Finance" was filed and effective on June 30, 1965.
Amended: Filed May 19, 1987; effective June 8, 1987.

Rule 469-1-.10. Method of Collection.

(1) The levy and assessment provided by this Order shall be collected from producers. As an aid in such collection, handlers, sales agents, packers and processors shall deduct the amount of such levy and assessment from each payment made to the producer and they shall remit the same to the Commissioner of Agriculture for the account of the producer.

(2) The Commissioner is authorized in the collection of funds to adopt and utilize a reporting and auditing method of collecting the levy and assessment provided herein.

Cite as Ga. Comp. R. & Regs. R. 469-1-.10
Authority: Ga. L. 1961, p. 301 as amended.
History. Original Rule entitled "Method of Collection" was filed and effective on June 30, 1965.

Rule 469-1-.11. Administration and Enforcement.

The Commissioner of Agriculture shall administer and enforce the provisions of this Order, particularly as to the collection of levies and assessments.

Cite as Ga. Comp. R. & Regs. R. 469-1-.11
Authority: Ga. L. 1961, p. 301 as amended.
History. Original Rule entitled "Administration and Enforcement" was filed and effective on June 30, 1965.

Rule 469-1-.12. Expenditure of Funds.

The Commission is hereby authorized to expend funds of the Commission as it deems necessary to defray the costs and expenses incurred under this Order. The Commission is further authorized to expend funds to defray the actual costs and expenses of the Commission, including employees, special committees, advisory boards and individuals to aid, advise and assist the Commission in the performance of its duties.

Cite as Ga. Comp. R. & Regs. R. 469-1-.12
Authority: Ga. L. 1961, p. 301 as amended.
History. Original Rule entitled "Expenditure of Funds" was filed and effective on June 30, 1965.

Rule 469-1-.13. Contracts.

The Commission may enter into contracts as it deems necessary and advisable in the performance of its duties under the provisions of this Order, including, but not limited to, contracts with the Georgia Peach Council and for the performance of duties and services, as the Commission shall deem necessary and proper.

Cite as Ga. Comp. R. & Regs. R. 469-1-.13
Authority: Ga. L. 1961, p. 301 as amended.
History. Original Rule entitled "Contracts" was filed and effective on June 30, 1965.

Rule 469-1-.14. Records.

It shall be the duty and responsibility of each affected person to keep adequate records that show the true amount of peaches produced, sold or purchased by him, and to make such records available for inspection and audit by the Commission and the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 469-1-.14
Authority: Ga. L. 1961, p. 301 as amended.
History. Original Rule entitled "Records" was filed and effective on June 30, 1965.