Rules and Regulations of the State of Georgia

Department 49 AGRICULTURAL COMMODITY COMMISSION FOR APPLES

Current through Rules and Regulations filed through October 27, 2026

Table of Contents

ADMINISTRATIVE HISTORY
Chapter 49-1. MARKETING ORDER FOR APPLES.
- Rule 49-1-.01. Product Affected.
- Rule 49-1-.02. Area of Production Affected.
- Rule 49-1-.03. Scope of Operation.
- Rule 49-1-.04. Extent of Operation.
- Rule 49-1-.05. Term of Operation.
- Rule 49-1-.06. Method of Approval.
- Rule 49-1-.07. Time for Approval.
- Rule 49-1-.08. Affected Producers.
- Rule 49-1-.09. Method of Finance.
- Rule 49-1-.10. Method of Collection.
- Rule 49-1-.11. Administration and Enforcement.
- Rule 49-1-.12. Expenditure of Funds.
- Rule 49-1-.13. Contracts.
- Rule 49-1-.14. Records.

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 49-1, entitled "Marketing Order for Apples," containing Rules 49-1-.01 through 49-1-.14, was filed and effective on June 30, 1965.

Rule 49-1-.05 and 49-1-.09 have been amended. Filed January 9, 1979; effective January 29, 1979.

Rule 49-1-.05 has been amended. Filed July 2, 1984; effective July 22,1984.

Rule 49-1-.08 has been repealed and a new Rule 49-1-.08 adopted. Filed May 1, 1987; effective May 21, 1987.

Cite as Ga. Comp. R. & Regs. R. dept. 49, ADMINISTRATIVE HISTORY

Chapter 49-1. MARKETING ORDER FOR APPLES.

Rule 49-1-.01. Product Affected.

Apples.

Cite as Ga. Comp. R. & Regs. R. 49-1-.01
Authority: Ga. L. 1961, p. 301 as amended.
History. Original Rule entitled "Product Affected" was filed and effective on June 30, 1965.

Rule 49-1-.02. Area of Production Affected.

The entire State of Georgia.

Cite as Ga. Comp. R. & Regs. R. 49-1-.02
Authority: Ga. L. 1961, p. 301 as amended.
History. Original Rule entitled "Area of Production Affected" was filed and effective on June 30, 1965.

Rule 49-1-.03. Scope of Operation.

(1) Research.

(2) Promotion.

(3) Education.

(4) Establishing grading standards of quality, including a requirement that all apples offered for sale for the fresh market be labeled to show the variety, grade and count or weight thereof and that no apples be offered for sale for the fresh market in closed containers of a grade less than U.S. No. 1 or better, (including U.S. Hail grade or combination grades) as specified by the United States Standards for Apples. All apples offered for sale shall be in bushel containers or less and comply with the grade requirements, except that quantities of 50 bushels or less may be offered for sale in bulk and provided they are of a grade of not less than U.S. Utility and provided further that apples so sold may be packed in open containers only. The Commission shall have the authority to lower the grade requirement specified herein and shall have the authority to change the provisions relative to the sale of apples in bulk.

(5) Establishing of surplus, stabilization, or by-product pool or pools and to provide for the sale or disposition of apples in any such pool or pools.

(6) 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 apples.

Cite as Ga. Comp. R. & Regs. R. 49-1-.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 49-1-.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 the statutory authority.

Cite as Ga. Comp. R. & Regs. R. 49-1-.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 49-1-.05. Term of Operation.

The term of operation under this order shall be for three (3) years beginning July 1, 1984 and ending June 30, 1987. The order may be extended each three (3) years as provided by law.

Cite as Ga. Comp. R. & Regs. R. 49-1-.05
Authority: O.C.G.A. Sec. 2-8-15.
History. Original Rule entitled "Terms of Operation" was filed and effective on June 30, 1965.
Amended: Filed January 9, 1979; effective January 29, 1979.
Amended: Filed July 2, 1984; effective July 22, 1984.

Rule 49-1-.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. Laws 1961, p. 301 as amended. The approval by producers shall be in an amount not less than 65 percent 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 the 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), Ga. Laws 1961, p.301 as amended.

Cite as Ga. Comp. R. & Regs. R. 49-1-.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 49-1-.07. Time for Approval.

Written assents or rejections shall be received by the Commission during the period of July 5, 1962, through July 20, 1962, 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 apples, provided that the above period may be extended by the Commission as authorized by law.

Cite as Ga. Comp. R. & Regs. R. 49-1-.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 49-1-.08. Affected Producers.

This Order shall apply to all commercial producers of apples. For the purpose of this Rule, a commercial producer is a producer with an acreage of five (5) or more acres in this State; or five hundred (500) or more trees who produces apples for sale within and without the State, and in

addition thereto, the provisions of this Order, relating to grading, selling and marketing of apples, shall be applicable to all apples sold in this State.

Cite as Ga. Comp. R. & Regs. R. 49-1-.08
Authority: Ga. L. 1961, p. 301 as amended.
History. Original Rule entitled "Affected Producers" was filed and effective on June 30, 1965.
Rule repealed and a new Rule of the same title adopted. Filed May 1, 1987; effective May 21, 1987.

Rule 49-1-.09. Method of Finance.

(1) Projects, undertakings and expenses incurred under this Order shall be financed by an assessment and levy of two (2) cents per bushel on all apples produced in this State for sale. The assessment and levy shall be against the producer of apples. Upon the approval of the requisite number of producers and effective as of July 1, 1978, a levy and assessment of two (2) cents per bushel on all apples produced in this State and marketed within and without this State 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 17 (e) of the "Georgia Agricultural Commodities Promotion Act," (Georgia Law 1969, p. 763, *et seq.*, as amended).

Cite as Ga. Comp. R. & Regs. R. 49-1-.09
Authority: Ga. L. 1969, p. 763, *et seq.*, as amended.
History. Original Rule entitled "Method of Finance" was filed and effective on June 30, 1965.
January 9, 1979; effective January 29, 1979.

Rule 49-1-.10. Method of Collection.

(1) The levy and assessment provided by this Order shall be collected from producers. As an aid in such collections, handlers, distributors and others purchasing apples from producers, other than retail outlets, shall deduct the amount of such levy and assessment during each pay period and 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. 49-1-.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 49-1-.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. 49-1-.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 49-1-.12. Expenditure of Funds.

The Commissioner 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. 49-1-.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 49-1-.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, as the Commission shall deem necessary and proper.

Cite as Ga. Comp. R. & Regs. R. 49-1-.13
Authority: Ga. L. 1961, p. 301 as amended.
History. Original Rule entitled "Contracts" was filed and effective on June 30, 1965.

Rule 49-1-.14. Records.

It shall be the duty and responsibility of each affected person or handler to keep adequate records to reflect the true amount of apples 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. 49-1-.14
Authority: Ga. L. 1961, p. 301 as amended.
History. Original Rule entitled "Records" was filed and effective on June 30, 1965.