

DEPARTMENT OF AGRICULTURE
MARKETING AND COMMUNICATION DIVISION
MICHIGAN STATE APPLE COMMISSION

(By authority of Act No. 87 of the Public Acts of 1939, as amended, being S290.1 et seq. of the Michigan Compiled Laws)

R 290.1 Public hearings.

Rule 1. Prior to the issuing of any rule, regulation, or order, the Michigan state apple commission shall first hold a public hearing on the proposed rule, regulation, or order or any changes therein.

History: 1979 AC.

R 290.2 Orders.

Rule 2. All rules, regulations, and orders of the commission shall be signed by the chairman and the secretary-manager.

History: 1979 AC.

R 290.3 Seal.

Rule 3. The seal of the commission shall be circular in form and contain the following inscription, "Michigan State Apple Commission."

History: 1979 AC.

R 290.4 Stamp design.

Rule 4. The design of the official apple advertising stamps issued by the commission shall be: Shape, rectangular; background, to be an outline map of Michigan; bearing the denomination of the stamp. Each denomination shall be of a different color.

History: 1979 AC.

R 290.11 Assessment.

Rule 11. The assessment of 3 cents per bushel or 6 cents per hundred pounds of apples levied by section 9(b) of said act, shall be collected by the purchase from the commission, of adhesive apple advertising stamps or of combination grade and apple advertising stamps, which stamps shall be attached and cancelled by the grower.

History: 1979 AC.

R 290.12 Evidence of payment.

Rule 12. Evidence of payment of the apple advertising assessment shall be shown by 1 of the following methods:

(a) Adhesive apple advertising stamps properly cancelled and attached to the bill of lading, shipping receipt, invoice, or other documents accompanying the load, or to individual containers.

(b) Combination grade and apple advertising stamps or adhesive apple advertising stamps properly cancelled and attached to individual containers.

(c) On retail transactions by the grower on his own premises and on retail shipments by express, evidence of payment of the assessment may be shown by attaching and cancelling, daily, the proper amount of adhesive apple advertising stamps to a ticket of release, furnished by the commission, which shall be certified and rendered at the end of each calendar month to Michigan state apple commission.

History: 1979 AC.

R 290.13 Cancellation.

Rule 13. Said stamps attached to individual packages or to bills of lading, invoices, or other documents accompanying loads shall be cancelled by permanently writing or stamping the date thereon; except adhesive stamps of a variable denomination for which cancellation shall consist of the proper filling out of the required information on the face of the stamp and which shall be affixed to the shipping document accompanying each load of apples.

History: 1979 AC.

R 290.14 General.

Rule 14. (1) With the exception of Michigan apples sold for cider, juice, or vinegar which are exempted from the provisions of this act, no Michigan apples shall be shipped or sold to any dealer until such advertising stamps have been properly cancelled and affixed or attached by the grower or grower's agent, except as provided for below.

(2) In the event that apples are purchased for the purpose of being processed into cider, juice, or vinegar and later sold as fresh fruit, the party purchasing the apples shall be liable for the proper cancellation and affixing or attaching the proper apple advertising stamps.

(3) In order that the practical application of these rules may be in accordance with certain marketing practices, apples may be delivered to a grower's agent, dealer, or processor without apple advertising stamps; provided said grower's agent, dealer, or processor has been issued a "grower's agent permit" by the commission to accept apples unaccompanied by stamps and has agreed in writing to accept the responsibility of seeing that the apple advertising assessment is paid on all apples passing through their hands and to keep accurate records on forms furnished by the commission. These records are to be retained for a period of 2 years.

(4) All such loads of apples shall be accompanied by a shipping document bearing the date, the grower's name and address, and the name and address of the grower's agent, dealer, or processor to whom the apples are being shipped.

(5) The commission is to furnish the foods and standards division, Michigan department of agriculture, with the names of all growers' agents, dealers, or processors who are authorized to accept delivery of apples not accompanied by stamps. Each inspector of the foods and standards division is to be furnished with a list of growers' agents, dealers, or processors. Any load of apples not accompanied by properly cancelled apple advertising stamps shall not be considered as being in violation, provided that the load is being delivered to a grower's agent, dealer, or processor who has been issued "grower's agent permit" by the commission and that the accompanying shipping document is marked with the grower's agent's name and address.

History: 1979 AC.

R 290.15 Stamp purchases.

Rule 15. (1) All apple advertising stamps shall be purchased from the commission or its authorized agents.

(2) The commission or its agents shall issue an official receipt to the purchaser showing the amount of money paid, the number of stamps delivered, and their denominations. Triplicate copies of the receipt shall be made, the original being delivered to the purchaser; the second copy must

be sent by the agent to the commission, together with the funds collected quarterly; and the third copy shall be retained in the original receipt book.

(3) Upon request of the grower or grower's agent, the commission may, at its discretion, enter into an agreement whereby the commission will issue to a grower or grower's agent a permit and 1 or more books of 20 stamps each carrying provisions on the face of the stamp for the shipper's name and address, the number of bushel or weight of apples, the rate of assessment, and the value of the stamp. These stamps shall be filled out in triplicate, the original being affixed to the shipping document; 1 copy to be returned to the commission, together with payment of the value of the stamp; and 1 copy to be retained for the grower or grower's agent's records. Payment for variable denomination stamps must be made at the end of each month for stamps used during that month.

History: 1979 AC.

R 290.16 Nonparticipating growers.

Rule 16. (1) Such growers as desire can become nonparticipating growers and claim exemption from the provisions of this act. To claim such exemption, the nonparticipating grower must notify the commission in writing on or before the first day of July of each year of his intention to claim exemption from the apple advertising assessment for the coming crop year. For this purpose, the crop year shall be considered to run from July 1 of 1 year to June 30 of the following year. When so notifying the commission, the nonparticipating grower shall give the commission his estimate of the size of the apple crop upon which he is claiming exemption. The commission shall then issue the nonparticipating grower an exemption certificate bearing an exemption certificate number.

(2) On apples sold as fresh fruit, the nonparticipating grower shall attach properly cancelled apple advertising stamps in the same manner as a participating grower. The nonparticipating grower shall then file for the refund of the apple advertising assessment paid by him upon a form furnished him by the commission at his request. In filing for a refund, the form must be accompanied by the grower's copy of the commission's official receipt used for stamp sales. These official receipts shall bear the same name as that appearing on the nonparticipating grower's exemption certificate.

(3) Where a nonparticipating grower sells apples through a grower's agent and the apple advertising stamps are purchased in the name of the grower's agent rather than the nonparticipating grower, the nonparticipating grower may, when filing for a refund, substitute a statement from the grower's agent certifying that the grower's agent purchased a specified quantity of advertising stamps for use in shipping the nonparticipating grower's apples.

(4) On the last day of each month, the commission shall pay all requests for the refund of the apple advertising assessments received by it from nonparticipating growers during the month. A nonparticipating grower need not file monthly for the refund of his apple advertising assessment. He may elect to file as many times as he desires during each crop year, provided he does not file more than 1 request during each month. No refunds shall be paid to nonparticipating growers filing for a refund later than June 30 of the crop year for which he has claimed exemption.

(5) On apples sold to processors, the nonparticipating grower need not attach apple advertising stamps if the processor to whom he is selling has been authorized by the commission to withhold the amount of the apple advertising assessment from payments made to participating growers. In this event, the nonparticipating grower shall notify the processor in writing of the fact that he is a nonparticipating grower. This written notice shall contain the number of the nonparticipating grower's exemption certificate.

(6) Dealers or processors desiring to be authorized to accept apples not accompanied by apple advertising stamps shall request, in writing, to be authorized. In making this request, the dealer or processor must state that he agrees to keep such records as required by the commission.

History: 1979 AC.

R 290.17 Grower's records.

Rule 17. Every grower shall keep a complete and accurate record of the number of bushels or weight of apples handled, shipped, or processed by or for him during each calendar year. These records shall be retained by him for a period of 2 years.

History: 1979 AC.

R 290.18 Grower's agent, dealer, and processor; records.

Rule 18. (1) Every grower's agent, dealer, and processor buying apples produced in Michigan shall keep a complete record of the number of bushes or weight of apples purchased by him. The details of this record are to be reported monthly to the commission on a form furnished by the commission. These forms are to be furnished the grower's agent, dealer, or processor at his request. Such records are to be maintained by the grower's agent, dealer, or processor for a period of 2 years.

(2) Recognizing the confidential nature of these reports, they shall not be available to any person or persons other than members and employees of the Michigan state apple commission and state and county law enforcement officers and all employees and agents of the department of agriculture, except as necessary for the prosecution of violations of the Baldwin apple act.

History: 1979 AC.