

CHAPTER 52 MARKETING

CHOOSE IOWA PROMOTIONAL PROGRAM

21—52.1(159) Definitions.

“Department” means the Iowa department of agriculture and land stewardship.

“Food item” means any of the following:

1. A perishable item derived from an agricultural commodity, or processed from an agricultural commodity, that is fit for human consumption.

2. Honey produced from bees in a managed beehive.

“Iowa farm” means land in this state used to produce an agricultural commodity.

“Member” means a person who has applied for and been accepted to participate in the choose Iowa promotional program.

“Process” means to prepare a food item in a manner that allows it to be fit for human consumption.

“Processor” is a membership classification that means a person preparing a food item in a manner that allows it to be fit for human consumption.

“Producer” is a membership classification that means a person growing, raising, or harvesting agricultural commodities in the state of Iowa.

“Retailer” is a membership classification that means a person engaged in the business of selling agricultural products to consumers, including food service and restaurants.

“Wholesaler” is a membership classification that means a person engaged in the business of selling agricultural products to retailers.

[ARC 6552C, IAB 10/5/22, effective 11/9/22]

21—52.2(159) Product qualification.

52.2(1) Authority of determination. The department has the sole authority in determining the eligibility of a product for participation in the program.

52.2(2) General product qualifications. Except as specified in this chapter, products must meet or exceed the following criteria:

a. Fresh produce and commodities bearing the choose Iowa logo shall be 100 percent grown or raised in Iowa.

b. Meat and meat products bearing the choose Iowa logo shall be derived from animals born, raised, and finished in Iowa. Slaughter and processing must take place in a state- or federally inspected plant within the state of Iowa.

c. Dairy products bearing the choose Iowa logo shall be derived from animals in Iowa. Processing must take place in a state-inspected plant within the state of Iowa.

d. Eggs bearing the choose Iowa logo shall be derived from animals in Iowa.

e. Apicultural products produced by honey bees, including honey, wax, pollen, and propolis, bearing the choose Iowa logo shall be 100 percent of Iowa origin. Processed honey shall be 80 percent of Iowa origin.

f. Beer bearing the choose Iowa logo shall be brewed in Iowa and contain at least one Iowa agricultural product, such as Iowa malt, hops, or soluble remnant, excluding water.

g. Wine bearing the choose Iowa logo shall contain a minimum of 75 percent Iowa grapes.

h. Spirits bearing the choose Iowa logo shall be distilled in Iowa and contain at least one Iowa agricultural product, excluding water.

52.2(3) Exceptions. The department has the authority to establish product qualification requirements specific to individual products and commodities by written order.

[ARC 6552C, IAB 10/5/22, effective 11/9/22]

21—52.3(159) Application for membership.

52.3(1) Application requirement. Persons interested in becoming a member in the choose Iowa promotional program shall do so by making application to the department. New applications may be submitted at any time throughout the year.

52.3(2) Application review and compliance verification. The department, upon receipt of an application, will verify the applicant's compliance with this chapter and approve or deny the application. The department will notify the applicant in writing of the approval or denial.

52.3(3) Duration of membership. Membership is on an annual basis, coinciding with the calendar year beginning January 1 and ending December 31.

52.3(4) Membership revocation and termination. Program membership may be revoked if the member company:

- a. No longer meets the qualifications for membership;
- b. Violates any applicable statute or rule;
- c. Violates any agreement between the department and the member company;
- d. Acts in a manner that may damage the reputation of the program.

[ARC 6552C, IAB 10/5/22, effective 11/9/22]

21—52.4(159) Fees.

52.4(1) Membership fees. Membership fees will be listed in the membership application and will be charged at the following rates:

Producer	\$100
Processor	\$100
Wholesaler/distributor	\$100
Retailer	\$100
Supporting organization	\$100

52.4(2) New member fees. New member agreements issued during the program year will be assessed at 100 percent of the annual fee regardless of when an application for membership is submitted.

[ARC 6552C, IAB 10/5/22, effective 11/9/22]

21—52.5(159) Approval for use of logo. Members who wish to use the choose Iowa logo on packaging, labels, flyers, promotional materials, or any other materials that will be viewed by the public must submit a proof of text and design to the department for approval. Requests for approval must be submitted to the department not less than five working days prior to the proposed date of use. Written approval from the department for logo use must be issued prior to use of the logo.

[ARC 6552C, IAB 10/5/22, effective 11/9/22]

21—52.6(159) Self-certification. All members shall self-certify that all products marked with the choose Iowa logo meet the qualification criteria as set forth in this chapter. Self-certification is subject to verification through the application and compliance processes.

[ARC 6552C, IAB 10/5/22, effective 11/9/22]

21—52.7(159) Compliance.

52.7(1) Authority of department. The department may enter upon the premises of any member to examine any records or materials necessary to ensure compliance with these rules.

52.7(2) Random compliance inspection. The department may annually perform random compliance inspections.

52.7(3) Samples. Upon request of the department, a member shall provide samples of the labels, packaging, merchandising, and promotional materials featuring the choose Iowa logo.

[ARC 6552C, IAB 10/5/22, effective 11/9/22]

21—52.8(159) Violations. Any person found in violation of these rules is subject to termination of membership privileges.

[ARC 6552C, IAB 10/5/22, effective 11/9/22]