



The National Agricultural Law Center

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USDA's United States Grain Standards Act: *Vermont*



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USDA's United States Grain Standards Act: Vermont

Vt. Stat. Ann. tit. 6, §§ 171 through 180

§ 171. Establishment of grades and standards.

The Secretary of Agriculture, Food and Markets may establish and adopt official grades and standards for such farm products as he or she may deem advisable, which are produced for sale in this State and, from time to time, may amend or modify such grades and standards.

§ 172. Notice and hearing.

Before establishing, amending, or modifying any such grades or standards, the Secretary shall hold properly advertised public hearings in such places within the State as he or she shall deem proper. Notice of such hearing shall specify the date and place of each hearing and that it is to be held for the purpose of obtaining information relative to establishing grades or standards for farm products, if found advisable.

§ 173. Designation of brands, labels, or trademarks.

The Secretary may determine or design brands, labels, or trademarks for identifying farm products packed in accordance with official grades and standards so established and may cause to be printed the brands, labels, or trademarks and may distribute the same at a reasonable price. A written application to the Secretary requesting permission to use the brands, labels, or trademarks and a written acceptance by the Secretary or a duly authorized assistant shall be a condition precedent to the use of such brands, labels, or trademarks.

§ 174. Publication of grades, standards, brands, labels, or trademarks.

Upon the establishment of such grades or standards and upon the determination of brands, labels, or trademarks, the Secretary shall give them due publicity and distribute information relative to their use.

§ 175. Revocation of right to use brands, labels, or trademarks.

The Secretary may revoke or suspend the right to use such brands, labels, or trademarks whenever it appears on investigation that they have been used to identify farm products not in fact conforming to the grade indicated.



§ 176. Inspectors and certificates of inspection.

The Secretary may employ inspectors to inspect farm products marked, branded, or labeled in accordance with official grades or standards established and adopted by the Secretary for the purpose of determining and certifying the quality and condition of the farm product and other relative material facts. Certificates issued in pursuance of such inspection and executed by the inspector shall state the date and place of inspection, the grade, condition, and approximate quality of the farm products inspected, and any other pertinent facts that the Secretary may require. The certificates and all federal certificates relative to the condition or quality of the farm products shall be prima facie evidence in all courts of the State of the facts required as aforesaid to be stated in the certificate.

§ 177. Access to buildings or places; examination.

The Secretary, in person or by deputy, shall have free access at all reasonable hours to any building or other place where it is reasonably believed that farm products marked, branded, or labeled in accordance with official grades established and adopted by the Secretary are being marketed or held for commercial purposes. The Secretary shall also have power, in person or by deputy, to open any bags, crates, or other containers containing the farm products and examine the contents and, upon tendering the market price, may take samples of farm products.

§ 178. Unlawful acts; penalties.

(a) After notice of the establishment of grades or standards and the determination of brands, labels, or trademarks, it shall be unlawful to use a brand, label, or trademark to identify farm products as being of an established grade before a permit is granted or after the revocation of the right to use such brand, label, or trademark by the Secretary. For the purpose of further protecting the grades as officially established and adopted by the Secretary, or any grades established under an act of Congress by the U.S. Department of Agriculture on the same products, it shall be unlawful to use the officially designated grade words, titles, or names for the purpose of identifying, advertising, designating, or describing any lots of such products unless such products fully meet the requirements of the official grade indicated.

(b) When, in the opinion of the Secretary or his or her representative, it is believed that any lot or lots of such products so identified, advertised, designated, or described may not be of the grade indicated, he or she shall cause inspections of such products to be made for the purpose of determining the actual grade thereof. Such inspections shall be made by regularly appointed inspectors and in such manner as is provided in this chapter.

(c) A person violating a provision of this section shall be fined not more than \$50.00 for a first offense and, for each subsequent offense, not more than \$200.00. A person who obstructs or hinders the Secretary or any of his or her assistants in the performance of his or her duties under this chapter shall be fined not less than \$10.00 nor more than \$100.00.



§ 179. Rules; fees.

(a) The Secretary may adopt rules for carrying out the purposes of this chapter.

(b) The Secretary may charge fees for inspection of farm and agricultural commodities or storage facilities and for the establishment of reasonable tolerances incident to proper grading of agricultural products. Any inspection fees charged pursuant to this section shall be sufficient to recover the Agency's costs of inspection, including payment for the inspector's time, and shall be retained by the Agency to reimburse these expenses. In addition, the Secretary may accept fees collected by or for producer organizations for promotional activities. Such fees shall be retained by the Secretary and segregated into separate producer accounts for use to promote agricultural products.

§ 180. Additional authority.

The Secretary shall have authority as follows:

(1) to collect and diffuse timely information relative to the seasonal supply, demand, and prevailing price of farm products, both wholesale and retail, the movement of farm products through commercial channels, and the quantity and conditions of farm products in dry and cold storage;

(2) to assist and advise in the organization and maintenance of producers' and consumers' cooperative selling and buying associations; and

(3) to cooperate with various state and federal agencies having to do with farm products.

