

**RULES
OF
GEORGIA DEPARTMENT OF AGRICULTURE**

FOOD DIVISION REGULATIONS

**CHAPTER 40-7-8
ADDITIONAL REGULATIONS APPLICABLE TO VIDALIA ONIONS**

TABLE OF CONTENTS

40-7-8-.01	Scope of Regulations
40-7-8-.02	Definitions
40-7-8-.03	Registration
40-7-8-.03.1	Vidalia Onions Varieties Allowed to Be Grown
40-7-8-.03.2	Onion Seed Sold to Growers in Vidalia Onion Production Area
40-7-8-.04	Certification Mark Agreement
40-7-8-.05	Labeling
40-7-8-.06	Standards for Grades of Vidalia Onions and Green Onions
40-7-8-.07	Repealed
40-7-8-.08	Handling Requirements
40-7-8-.09	Invoices
40-7-8-.10	Right of Entry
40-7-8-.11	Business Records
40-7-8-.12	Prohibited Acts
40-7-8-.13	Variances
40-7-8-.14	Certified Controlled Atmosphere Storage
40-7-8-.15	Containers
40-7-8-.16	Vidalia Onion Advisory Panel
40-7-8-.17	Packing Date
40-7-8-.18	Confidentiality of Information
40-7-8-.19	Penalty

Rule 40-7-8-.02 Definitions

- (1) The following words or terms shall have the meaning set forth herein when used in these rules and regulations:
- (a) "*Handle*" or "*Ship*" means to package, load, sell, transport, or in any other way to place Vidalia onions, or cause Vidalia onions to be placed, in the current of commerce within the production area or between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery of field-run Vidalia onions to a person within the production area for the purpose of having such Vidalia onions prepared for market. Nothing contained in this definition shall authorize the repacking of Vidalia onions except as specifically authorized under Paragraph 40-7-8-.08(1)(f) 2. of these rules.
 - (b) "*Handler*" is synonymous with "*Shipper*" and means any person within the Vidalia onion production area (*except a common contract carrier of Vidalia onions owned by another person*) who handles Vidalia onions, or causes Vidalia onions to be handled.
 - (c) "*Person*" means any association, individual, partnership, corporation or any other legal entity.
 - (d) "*Producer*" is synonymous with "*grower*" and means any person engaged in a proprietary capacity in the production of Vidalia onions for market.
 - (e) "*Producer-Handler*" means a producer who handles Vidalia onions.
 - (f) "*Vidalia Onion Advisory Panel*" means the advisory panel established pursuant to Code Section 2-14-138.
 - (g) "*Vidalia Onion Variety*" means varieties of **Allium Cepa** of the hybrid granex, granex parentage or other similar varieties. The Commissioner may limit the usage of certain varieties or authorize the inclusion of new varieties based upon recommendation of the Director of the Experiment Stations of the College of Agricultural and Environmental Sciences of the University of Georgia.
 - (h) "*Vidalia Onion*" means any onion of the type defined in paragraph (g) of this section and produced in the "*Vidalia Onion Production Area*" as defined in paragraph (i) of this section.
 - (i) "*Vidalia Onion Production Area*" means a specific production area which encompasses only that part of the state particularly described as follows:

Beginning at a point in Laurens County where U. S. Highway 441 intersects Highway 16; thence continue southerly along U. S. Highway 441 to a point where it intersects the southern boundary of Laurens County; thence southwesterly along the border of Laurens County to a point where it intersects the county road known as Jay Bird

Springs Road; thence southeasterly along Jay Bird Springs Road to a point where U. S. Highway 23 intersects the western border of Telfair County; thence southwesterly following the western and southern county border of Telfair County to a point where it intersects with Jeff Davis County; thence following the southern border of Jeff Davis County to a point where it intersects the western border of Bacon County; thence southerly and easterly along the border of Bacon county to a point where it intersects Georgia State Road 32; thence easterly along Georgia State Road 32 to Seaboard Coastline Railroad; thence northeasterly along the tracks of Seaboard Coastline Railroad to a point where they intersect Long County and Liberty County; thence northwesterly and northerly along the southwestern border of Liberty county to a point where the border of Liberty County intersects the southern border of Evans County; thence northeasterly along the eastern border of Evans County to the intersection of the Bulloch County border; thence northeasterly along the Bulloch County border to a point where it intersects with the Ogeechee River; thence northerly along the main channel of the Ogeechee River to a point where it intersects with the southeastern border of Screven County; thence northeasterly along the southeasterly border of Screven County to the main channel of the Savannah River; thence northerly along the main channel of the Savannah River to a point where the northwestern boundary of Hampton County, South Carolina intersects the Savannah River; thence due west to a point where State Road 24 intersects Brannen Bridge Road; thence westerly along Brannen Bridge Road to a point where it intersects with State Road 21; thence westerly along State Road 21 to the intersection of State Road 17; thence westerly along State Road 17 to the intersection of State Road 56 and southerly to the northern border of Emanuel County; thence westerly and southerly along the boundary of Emanuel County to a point where it intersects the Treutlen County border; thence southerly to a point where the Treutlen County border intersects Interstate Highway 16; thence westerly to the point of beginning in Laurens County.

- (j) "*Registration*" means a process whereby persons desiring to produce and/or pack onions for marketing as Vidalia onions are registered by the Department as Vidalia Onion Producers and/or Packers. Nothing contained in this definition shall authorize the repacking of Vidalia onions except as specifically authorized under Paragraph 40-7-8-.08(1)(f) 2. of these rules.
- (k) "*Department*" means the Department of Agriculture of the State of Georgia.
- (l) "*Commissioner*" means the Commissioner of Agriculture of the State of Georgia.
- (m) "*Label*" means a display of written, printed or graphic matter upon the immediate container of Vidalia onions.
- (n) "*Labeling*" means all labels and other written, printed or graphic matter, including advertising, upon an article or any of its containers or wrappers, or accompanying such article.
- (o) "*Georgia Federal-State Shipping Point Inspection Service*" or "*Inspection Service*" is the Corporation authorized by the Department to conduct inspection, certification, and

identification of the class, quantity, quality and condition of agricultural products in Georgia.

- (p) "*Pack*" means the initial placement of Vidalia onions into properly labeled containers by grower/packers or packers within the Vidalia onion production area only who have been properly certified and registered by the Department.
- (q) "*Repack/Repacking*" means the removing of Vidalia onions by any individual from initially-packed containers, as described in (p) above of this subparagraph, and subsequently placing those same onions into any other like or unlike containers bearing the registered U.S. Certification Mark "VIDALIA®".
- (r) "Packing Date" means the first day on which Vidalia Onions® may be packed and shipped into commerce.
- (s) "Green onion" means any onion which has been harvested young before the bulb has developed or enlarged, and which still has the green tubular top intact.
- (t) "Other Yellow Onion" means any onion that is not of the type defined in paragraph (g) of this section and/or is grown outside of the Vidalia Onion Production Area as defined in paragraph (i) of this section.
- (u) "Transition Period" means a defined period of time during which other yellow onions and Vidalia Onions are permitted to be in the same facility.
- (v) "Facility" means a building, shed, or other structure in, under or around which grading, packing, storing, loading or unloading of onions occurs. Separate businesses operating and/or activities taking place under a common roof or within a common structure shall be considered to function as a single facility for purposes of these rules regardless of whether said businesses or activities are entirely divided by walls or other structures designed to prevent the movement of people and/or products between areas contained under the common roof or within the common structure.

Authority: O.C.G.A. Secs. 2-14-131, 2-14-133, 26-2-1 et seq.

Rule 40-7-8-.03 Registration

- (1) Each person who desires to produce and/or package onions as Vidalia onions must register with the Commissioner on or before March 1 of each year. Failure to register by March 1 may result in a monetary penalty of up to \$1,000.00. No application for registration will be accepted after the 15th day of April. Registration applications are to be filled out completely and accurately. If acreage planted should change, or any other information such as name, address, label information or packer from that indicated on the report filed by March 1, then a supplemental report shall be submitted no later than April 15. Additionally, each person

who desires to produce green onions and utilize the name Vidalia in connection with the sale, advertising, distribution, or marketing of such onions, must register on or before October 1 of each year.

- (2) Registration applications shall be completed and submitted online through the Department's Licensing Division at <http://agr.georgia.gov>.
- (3) The Commissioner may deny or revoke registration of any person for failure to register by deadline, violating any of these regulations, or for any intentional misrepresentation of a material fact in the registration application.
- (4) Registration is not transferable.
- (5) No person shall pack Vidalia onions unless said person and the grower of such onions ~~is~~ are both properly registered.
- (6) Any person who will have or may have other yellow onions and Vidalia Onions in the same facility during a Transition Period shall acknowledge the same in the application for Registration.

Authority: Ga. L. 1956 as amended; O.C.G.A. Secs. 2-14-133, 26-2-1 et seq.

Rule 40-7-8-.05 Labeling

- (1) The term "*Vidalia*" may not be used in the advertising or labeling of onions or green onions sold or delivered, held, stored, or offered for sale, unless such onions are of the variety defined in paragraph (g) of Section 40-7-8-.02 of these rules, ~~and~~ were grown in the Vidalia onion production area, and meet the other requirements of these rules.
- (2) All packaged Vidalia onions must be labeled to show:
 - (a) Common or usual name of the food (*onion*);
 - (b) An accurate statement of the quantity of the contents in terms of weight (*example: 3-pound, 5-pound, 10-pound, 25-pound, 50-pound*);
 - (c) The statement "*Product of Georgia*" or the official logo of "*Georgia Grown*", the use of which requires a membership with the Georgia Grown Commodity Commission, may be displayed;
 - (d) The name and complete address of the place of business of the producer and/or packer.

(3) All green Vidalia onions must be labeled to show:

(a) The name and complete address of the place of business of the producer and/or packer.

Authority: O.C.G.A. Secs. 2-14-133, 26-2-1 et seq.

Rule 40-7-8-.07 Repealed

Repealed.

Authority: O.C.G.A. Secs. 2-14-130 et seq., 2-14-133, 26-2-1 et seq.

Rule 40-7-8-.08 Handling Requirements

(1) All Vidalia onions must be graded and packed in the Vidalia onion production area. No bulk shipments of Vidalia onions to destinations outside the Vidalia onion production area for packing or storage will be allowed, except as otherwise provided in these rules. Nothing contained in this definition shall authorize the repacking of Vidalia onions except as specifically authorized under Paragraph 40-7-8-.08(1)(f) 2. of these rules.

(a) Grade Requirements - No Vidalia onion may be offered for sale other than those that meet the grade standards for a U.S. No. 1, provided that the Commissioner may establish tolerances or percentages of that Grade each marketing season upon the recommendation of the Vidalia Onion Advisory Panel.

(b) Size Requirements – Provided that unless otherwise specified, size shall be specified in connection with the grade in terms of one of the size classifications listed below:

1. "*Small*" shall be from 1 to 2 ¼ inches in diameter.

2. "*Medium*" shall be from 2 to 3 ¼ inches in diameter.

3. "*Large Medium*" shall be 2 ½ inches or larger in diameter.

4. "*Large*" or "*Jumbo*" shall be 3 inches or larger in diameter.

5. "*Colossal*" shall be 3 ¾ inches or larger in diameter.

- (c) Tolerances for size: In order to allow for variations incident to proper sizing, not more than 5 percent by weight of the onions in any lot may be smaller than the minimum diameter specified. In addition, not more than 10 percent by weight, of the onions in any lot may be larger than the maximum diameter specified.
- (d) Special Purpose Shipments:
1. The minimum grade, size and quality requirements set forth in previous paragraphs of this section shall not be applicable to shipments of onions for charity, relief, and processing handled in accordance with paragraph (e) of this section.
 2. Gift Packages - The handling by any person of gift packages of onions shall conform to all handling, grade, size, quality and labeling requirements of this section.
 3. Experimental Shipments - Upon approval of the Department, Vidalia onions may be shipped in bulk or other containers for experimental purposes, provided they are handled in accordance with paragraph (e) of this section. The shipper must furnish the Department with out-turn reports of such shipments.
 4. Export Shipments - Export shipments must comply with the handling, grade, size, quality, and labeling requirements set forth in this section.
 5. Onions not exempt under paragraph (d) of this section, or not handled in accordance with paragraph (d) of this section, shall be mechanically mutilated at the packing shed or physically destroyed by other means approved by the Commissioner, rendering them unsuitable for fresh market.
- (e) Safeguards - Each grower or handler making shipments of onions for relief, charity, processing, or experimental purposes shall:
1. Apply to the Department for and obtain a Certificate of Privilege to make such shipments.
 2. Furnish reports of each shipment made under the applicable Certificate of Privilege.
 3. Such reports shall be furnished to the Department in such manner, on such forms, and at such time, as it may prescribe. Each grower or handler shall maintain records of such shipments and the records shall be subject to review and audit by the Department.
 4. In addition to the provisions in the preceding paragraphs any grower or handler making shipments for processing shall:

- (i) Weigh or cause to be weighed each shipment, prior to, or upon arrival, at the processor.
- (ii) Attach a copy of the weight ticket to a completed copy of the Report of Special Purpose Shipment and return both promptly to the Department.
- (iii) Make each shipment directly to the processor or the processor's subcontractor, and attach a copy of the Report of Special Purpose Shipment.
- (iv) Each processor or processor's subcontractor who receives Vidalia onions for processing, shall weigh the onions upon receipt, complete the Report of Special Purpose Shipment which accompanies each load, and mail it immediately to the Department.
- (v) Each processor or subcontractor for any stage of processing who receives cull Vidalia onions, shall make available at its business office at any reasonable time during business hours, copies of all applicable purchase orders, sales contracts, or disposition documents for examination by the Department, to enable it to determine the disposition of the onions.

5. Cull Vidalia onions transported in bags shall be transported in 50-pound unlabeled bags.

(f) Repacking

- 1. Commercial repacking of Vidalia onions is prohibited.
- 2. Retail repackers may repack Vidalia onions for in-house sales directly to consumers provided the onions have previously met the requirements of these regulations.

(g) Facility Packing Requirements

- 1. Vidalia onions and other yellow onions may be in the same facility only during a Transition Period. Each Vidalia onion season shall have two Transition Periods, which shall be known as "Transition 1" and "Transition 2" respectively.
- 2. Transition 1 shall be a two (2) week period beginning sixteen (16) days prior to the announced packing date and ending two (2) days prior to the announced packing date. The following provisions apply to Transition 1:

- (i) A designated representative of the Department shall be notified via e-mail and telephone at least forty-eight (48) hours prior to the arrival of Vidalia onions at a facility where other yellow onions are being packed, processed, stored, held, loaded and/or unloaded.
 - (ii) A Department representative must be present for the arrival of Vidalia onions and must seal all areas containing Vidalia onions, to the extent possible. If it is not possible to seal an area containing Vidalia onions, a Department representative shall determine and direct the manner in which the Vidalia onions shall be and remain physically separated from other yellow onions.
 - (iii) Vidalia onions and other yellow onions shall be and remain physically separated at all times during the transition period. The grower/packer shall fully cooperate with directives from Department representatives to ensure and maintain separation.
 - (iv) Onion separation and room sealing/unsealing shall be exclusively within the control of the Department. Only a Department representative may make determinations as to onion separation and only a Department representative may apply and/or remove a seal.
 - (v) All Vidalia onion packing materials and labels shall be and remain separated and/or otherwise properly secured, as determined by a Department representative, until after the last day of Transition 1.
 - (vi) No other yellow onion shall be in any facility with Vidalia onions after the last day of Transition 1.
3. From the packing date until the start of Transition 2, a facility with Vidalia onions cannot process, pack, store, ship, or otherwise house other yellow onions regardless of the grade of said other yellow onions.
4. Transition 2 shall be a two (2) week period the commencement date of which will be determined and announced by the Commissioner, at the recommendation of the Vidalia Onion Advisory Panel, no later than June 15th of each year. The following provisions apply to Transition 2:
- (i) A designated representative of the Department shall be notified via e-mail and telephone at least twenty-four (24) hours prior to the arrival of other yellow onions at a facility where Vidalia onions are being packed, processed, stored, held, loaded and/or unloaded.

- (ii) A Department representative must be present for the arrival of the other yellow onions and must seal either all rooms containing the other yellow onions or all rooms containing the Vidalia onions.
- (iii) All rooms containing other yellow onions must be sealed while Vidalia onions are being processed and/or packed, and all rooms containing Vidalia onions must be sealed while other yellow onions are being processed and/or packed.
- (iv) Once all rooms containing other yellow onions or all rooms containing Vidalia onions are sealed, only a Department representative may unseal any room at any time.
- (v) Whenever a room containing other yellow onions is opened, a representative of the Department must be present to document that no Vidalia onions are still being packed, processed or shipped. Likewise, whenever a room containing Vidalia onions is opened, a representative of the Department must be present to document that no other yellow onions are still being packed, processed or shipped.
- (vi) No onion packed as a Vidalia and/or bearing a Vidalia label shall be in a facility with other yellow onions after the last day of Transition 2.
- (vii) All Vidalia onion packing materials and labels shall be and remain separated and/or otherwise properly secured, as determined by a Department representative, after the last day of Transition 2.

Authority: O.C.G.A. Secs. 2-14-133, 26-2-1 et seq.

Rule 40-7-8-.16 Vidalia Onion Advisory Panel

The Commissioner shall appoint a Vidalia Onion Advisory Panel, to consist of individuals involved in growing, packing, or growing and packing Vidalia onions; at least one county cooperative extension agent from the Vidalia onion production area; and any other person or persons selected by the Commissioner, for the purpose of rendering advice upon his or her request regarding the exercise of his or her authority pursuant to Code Sections 2-14-136 and 2-14-137, as well as for the purpose of recommending the commencement date for Transition 2 each year. Members of the advisory panel shall receive no compensation for their service as such members.

Authority: O.C.G.A. Secs. 2-14-133, 26-2-1 et seq.