

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 packing 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 three (3) week period beginning twenty-one (21) days prior to the announced packing date. The following provisions apply to Transition 1:
 - (i) A designated Department representative shall be notified via e-mail and telephone at least forty-eight (48) hours prior to the arrival of Vidalia onions at a packing facility where other yellow onions are being packed, 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) Any producer/packer who desires to label and market Vidalia onions as “sweet onions” or otherwise without the Vidalia® mark during Transition 1 shall contact the designated Department representative, via e-mail and telephone, and request that an area be unsealed.

- a. An area may only be unsealed by a Department representative and Vidalia onions may be removed from the unsealed area only under the representative's supervision.
 - b. The producer/packer may choose to remove all or a portion of the Vidalia onions in the unsealed area.
 - c. If only a portion of the Vidalia onions in the unsealed area are removed, the area must be immediately resealed by a Department representative.
 - d. No onion removed from an unsealed area during Transition 1 shall thereafter bear the Vidalia® mark or otherwise be labeled or marketed as a Vidalia®.
- (vi) All Vidalia® packing materials and labels shall be and remain isolated and secured, as determined and verified by a Department representative, until the pack date or until a Department representative has confirmed that all other yellow onions have been removed from the packing facility. No Vidalia® packing materials and/or labels shall be handled, moved, or removed from the packing facility during Transition 1 unless and until all other yellow onions have been removed from the packing facility and said removal has been verified by a Department representative. Upon verification of removal, Vidalia® packing materials may be staged for usage in preparation for the pack date.
- (vii) Prior to the announced pack date, the designated Department representative shall be notified via e-mail and telephone that all other yellow onions have been removed from a packing facility. After said notification, the Department will verify the removal of all other yellow onion from the packing facility and unseal Vidalia onion holding areas.
3. From the packing date until the start of Transition 2, no other yellow onions, regardless of the grade or intended purpose of said other yellow onions, shall be packed, stored, shipped, or otherwise held in a packing facility with Vidalia onions.
 4. Transition 2 shall be a four (4) 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 July 15th of each year~~ beginning on the date of arrival of other yellow onions at a packing facility where Vidalia onions are being packed, stored, held, loaded and/or unloaded; provided, however, that Transition 2 shall begin no sooner than July 24th and shall end no later than September 30th of any year. The commencement date of Transition 2

shall be specific to the packing facility receiving other yellow onions. The following provisions apply to Transition 2:

- (i) A designated Department representative shall be notified via e-mail and telephone at least twenty-four (24) hours prior to the arrival of other yellow onions at a packing facility where Vidalia onions are being packed, stored, or otherwise held.
- (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 packed or otherwise prepared for shipment, and all rooms containing Vidalia onions must be sealed while other yellow onions are being packed or otherwise prepared for shipment.
- (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 unsealed, a Department representative must be present to document that no Vidalia onions are still being packed or shipped. Likewise, whenever a room containing Vidalia onions is opened, a Department representative must be present to document that no other yellow onions are still being packed or shipped.
- (vi) After the last day of Transition 2, no Vidalia onion shall be packed or labeled as a Vidalia®. Nothing in these rules shall prohibit the storage or holding of Vidalia onions that were packed and labeled as Vidalia® on or before the last day of Transition 2 after the last day of Transition 2.
- (vii) All Vidalia® packing materials and labels shall be and remain isolated and/or otherwise properly secured, as determined and verified by a Department representative, after the last day of Transition 2.
- (viii) Nothing in these rules shall prohibit the storage or holding of any Vidalia onion not intended for the fresh market in any packing facility after the end of Transition 2.

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