

Subject 40-8-1 General

40-8-1-.01 Definitions

Except as otherwise specifically provided, when used in this chapter:

- (a) The term “advertisement” when appearing alone refers to both classified notices and display advertisements unless otherwise restricted.
- (b) The term “*Bulletin*” refers to the *Farmers and Consumers Market Bulletin*.
- (c) The term “business” means an association, corporation, partnership, or other entity which engages in trade or commercial transactions. Under these rules, the term *business* does not apply to traditional farming operations.
- (d) The term “category” means a division or class of advertisements or notices of similar import grouped together by the Editor for organizational purposes.
- (e) The term “classified notice” means a *wanted* or *for sale* advertisement submitted to the *Bulletin* staff for publication by a person for his or her benefit.
- (f) The term “display advertisement” means an advertisement placed alongside the *Bulletin*’s editorial and classified content in exchange for the advertiser’s contribution to the *Bulletin*. Display advertisements must promote goods or services benefitting or relating to the agricultural industry. Under these rules, the term *display advertisement* does not include classified notices.
- (g) The term “Commissioner” refers to the Georgia Commissioner of Agriculture.
- (h) The term “Department” refers to the Georgia Department of Agriculture.
- (i) The term “Editor” refers to the individual designated by the Commissioner to administer the *Bulletin*’s operation. The Editor receives, collects, edits, and arranges materials authorized for publication; maintains circulation lists; and arranges for the *Bulletin*’s printing and circulation.
- (j) The term “including” means *including but not limited to*, unless the context requires otherwise.
- (k) The term “livestock” means animals kept in the agricultural industry for labor assistance or commodity production. This term includes cattle; swine; equines; sheep; poultry; goats; and non-traditional livestock, e.g., alpacas, antelope, bison, elk, llamas, and water buffalo.
- (l) The term “person” carries its natural and usual meaning. Under these rules, the term does not include artificial beings, such as corporations and partnerships.

(m) The term “pets” means animals kept in a domestic setting for companionship or pleasure, e.g., dogs, cats, birds, rabbits, fish, and reptiles.

Authority: O.C.G.A. Secs. 2-2-7 and 2-2-8.1.

40-8-1-.02 Publication of Periodical

The *Farmers and Consumers Market Bulletin* is a periodical published by the Georgia Department of Agriculture as a service to its subscribers. Through publishing the *Bulletin*, the Department seeks to inform subscribers of Department activities and industry issues; the Department also seeks to provide a means of buying and selling items relating to the agricultural industry.

Authority: O.C.G.A. Sec. 2-2-7.

The Commissioner designates the Editor as the final authority for all editorial decisions, including:

- (a) The decision to promulgate advertising guidelines not in conflict with these rules;
- (b) The decision to contract with agricultural businesses or organizations for the placement of display advertisements alongside the *Bulletin's* editorial and classified content in exchange for contributions to the *Bulletin* by the advertisers;
- (c) The decision to allocate the maximum number of words allowed in the classified notices of any particular category in each issue, and the decision to edit any notices exceeding the maximum number of words allocated;
- (d) The decision to designate certain issues for emphasis on a particular category or group of categories, including the decision to add or delete certain categories or groups of categories from certain issues;
- (e) The decision to include articles or announcements of interest to the agricultural industry;
- (f) The decision to refuse publication of classified notices and display advertisements that fail to conform to these rules or guidelines promulgated under these rules, that violate other Departmental rules, that violate Georgia or Federal law, or that are submitted by any person who has unresolved complaints or numerous complaints filed regarding previous notices; and
- (g) The decision to set publication deadlines.

Authority: O.C.G.A. Sec. 2-2-7

40-8-1-.04 Responsibility

In striving to assure that advertisers are honest and fulfill their obligations, the Department may refuse to publish advertisements in the *Bulletin* from advertisers who do not, in the Editor's opinion, use fair and ethical business practices in their transactions with the public. The Department may also refuse to publish advertisements which include profanity or material deemed inappropriate by the Editor.

The Commissioner, Department, and Editor will not accept responsibility for any advertisements or errors appearing in the *Bulletin*; nor will they assure the quality or fitness for purpose of the services or goods advertised in the *Bulletin*.

All advertisers must comply with all applicable federal, state, and local laws, rules, and regulations relating to the sale or use of their advertised services or goods. The advertisers are solely responsible for ensuring this compliance.

Authority: O.C.G.A. Sec. 2-2-7.

Subject 40-8-2 Classified Notices

40-8-2-.01 Requirements and Restrictions

(1) General Scope – All classified notices published in the *Bulletin* must relate directly to the agricultural industry or be a product of the industry. Any item submitted for sale through the *Bulletin* must meet at least one of the following criteria:

- (a) The item must be produced or raised by the advertiser on his or her own farming operation;
- (b) The item must be made by the advertiser from materials on his or her own farm; or
- (c) The item must be owned and used by the advertiser on his or her own farming operation and must not be part of a commercial entity's inventory.

(2) Business and Real Estate Professional Restriction – Classified notices are not permitted for businesses or real estate professionals. A person connected with a business or real estate profession may only advertise items that he or she owns and that are not directly associated with the business or commercial operations.

(3) Submission Requirements – Each classified notice submitted for publication must meet the following requirements:

- (a) The notice must be in writing or be submitted online via agr.georgia.gov;
- (b) The notice must be legible;
- (c) The notice must appear on a single sheet of paper separate from any other notice;
- (d) The notice must be accompanied by the category name and the name, mailing address, street address, telephone number, and subscriber number of the person submitting the notice; and
- (e) The notice must be followed by the below certification statement and the signature of the person submitting the notice.

“I hereby certify that the above notice meets all necessary requirements for publication in the *Farmers and Consumers Market Bulletin*”

(4) Legal Requirements – Any item for sale or service offered in a classified notice must conform to all applicable laws and regulations regarding sale and movement. The Editor may summarize any known legal requirements or requirements imposed by the Commissioner in each category's headnote; however, this summary will not be deemed exclusive should the Editor become aware of other laws or regulations.

(5) License and Permit Requirement - An advertiser must hold all required licenses and permits for any product or service advertised, and all applicable licenses and permits must remain valid throughout the advertising run.

(6) Testing Requirement - An advertiser must appropriately test any product which requires testing, and the results of this test must remain valid throughout the product's advertising run.

(7) Documentation Requirement - An advertiser must appropriately document any product which requires documentation, and the documentation must remain valid throughout the product's advertising run.

(8) Additional Restrictions – The following restrictions apply to classified notices:

(a) Handicrafts – All items advertised in the Handicrafts column must be made by the advertiser and not purchased for resale. These items must be usable in the home or on the farm.

(b) Farm Labor – Only *farm work wanted* or *farm help wanted* notices are allowed in the Farm Employment column. Commercial or domestic employment will not be published or advertised.

(c) Farm Land – Advertisements for the sale, purchase, or rental of farm land may be published in issues specifically designated by the Editor. Commercial or city properties will not be published or advertised. The Editor will determine if property to be advertised can be classified as a farm.

(d) Farm Machinery and Equipment – Only farm machinery and equipment owned by the advertiser and used in his or her own farming operation can be advertised. A person advertising for machinery and equipment wanted must seek those items for his or her own farming operation.

(e) Farm Services – Any farm service advertised must be performed by the advertiser personally on the farm of the individual desiring service.

(f) Livestock – All livestock must have been in the advertiser's possession for a minimum of 90 days before they can be advertised.

(g) Pets – Pets are not eligible for advertisement in the *Bulletin*, with the following exceptions:

1. Stock dogs – Advertisers must submit a copy of a current Rabies Vaccination Certificate signed by a licensed veterinarian for dogs 12 weeks and older.

2. Fish – Aquatic animals, including catfish and trout, which are recognized by Georgia's aquaculture industry.

(h) Timber – Timber must be individually owned and produced by the advertiser on his or her own property. Timber wanted advertisements will not be published.

Authority: O.C.G.A. Sec. 2-2-7.

40-8-2-.02 Publication of Classified Notices

Without the Editor's advance special authorization, each subscriber may only run one classified notice in an issue of the *Bulletin*.

Following approval, classified notices will be published in only two issues per submission; however, a person may make a written request for publication of a classified notice in up to four consecutive issues. If extended publication is permitted, a new classified notice must be submitted after the four-issue publication period to continue publication of the classified notice.

Authority: O.C.G.A. Sec. 2-2-7.

Subject 40-8-3 Display Advertisements

40-8-3-.01 Display Advertisement Availability and Design

In exchange for a specified monetary contribution to the *Bulletin*, persons and artificial beings, including commercial enterprises and nonprofits, may advertise alongside the *Bulletin*'s editorial and classified content. These advertisements must promote goods or services benefitting or relating to the agricultural industry.

The full contribution according to the uniform rate schedule set by the Editor must be received prior to a display advertisement's publication. Space is filled on a first come, first served basis; with priority given to advertisers who contribute for long-term space reservations.

The Editor will set the uniform size options correlating with the various contribution levels, e.g., eight-page and quarter-page. A combination of text and photos will be used to convey messages for display advertisements.

Authority: O.C.G.A. Secs. 2-2-7 and 2-2-8.1.