

# CVR 20-011-002

This document reflects changes current through July 18, 2019

## 20 011 002. MAPLE PRODUCTS REGULATIONS

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The following maple products regulations are hereby promulgated by the Secretary of Agriculture, Food and Markets pursuant to the authority vested in him by 6 V.S.A. Chapter 32.

### **Section I** Definitions.

#### **1)** As used in these regulations:

- a)** "Act" means 6 V.S.A. Chapter 32;
- b)** "Advertisement" means any method used to call attention to a product which is intended to arouse a desire to purchase that product. It shall include, but is not limited to, signs, displays, radio and television broadcasts, newspapers and periodicals, direct mail, and other printed forms;
- c)** "Bulk maple syrup" means maple syrup packed in containers of more than five gallons;
- d)** "Secretary" means the Secretary for the Vermont Agency of Agriculture, Food & Markets or his or her designee;
- e)** "Damage" means any defect that affects the color, appearance, flavor, aroma, edibility or shipping quality of the maple syrup or sugar. Maple syrup which is fermented or which contains any buddy flavor, scorched flavor, or any other distasteful foreign flavor shall be considered damaged;
- f)** "Dealer" means a person who annually buys, or otherwise acquires from another person, 1,000 gallons of maple syrup or more, but less than 2500 gallons, for the purposes of packaging for resale, or for resale in bulk;
- g)** "Agency" means the Vermont Agency of Agriculture, Food & Markets;
- h)** "Doing business," when used in connection with a dealer or processor, means a single act, or a series of actions performed by the dealer or processor within Vermont in the furtherance of that dealer or processor's business;
- i)** "Grade" or "grades" means the standards for maple syrup promulgated through regulation by the Secretary. Those standards shall be the official grades of maple syrup for the state of Vermont;
- j)** "Inspector" means any person designated by the Secretary to carry out the Secretary's duties under this chapter;
- k)** "Light transmission" means the ability of maple syrup to transmit light as determined optically by means of a spectrophotometer;
- l)** "Maple products" means only maple syrup, maple sugar, maple cream, or any other product in which the sugar content is entirely derived from pure maple sap and to which nothing has been added;
- m)** "Maple sap" means the unprocessed liquid derived from the maple tree (Acer);
- n)** "Maple sap hydrometer" means a floating instrument which measures the specific gravity of a liquid and which contains a scale designed to determine the sugar content of maple sap;
- o)** "Maple sugar" means the solid, crystalline product of maple sap only;
- p)** "Maple syrup" means pure maple syrup which is the liquid derived by concentration and heat treatment of the sap of the maple tree (Acer). Maple syrup shall not be processed in any manner which adds or removes naturally occurring soluble materials. The limitation does not

preclude the use of approved filter aids used for the sole purpose of assisting the removal of suspended material or the use of defoaming agents approved by the Secretary. Maple syrup shall comply with Vermont state grades, density, and flavor requirements;

- q)** "Maple syrup hydrometer" means a floating instrument which measures the specific gravity of a liquid and which contains a scale designed to determine the density of maple syrup;
- r)** "Packaged maple syrup" means maple syrup packed in containers of five gallons or less;
- s)** "Persons" means individuals, groups of individuals, partnerships, limited partnerships, corporations, companies, cooperatives, and associations;
- t)** "Principal display panel" shall be construed to mean that part of a label that is so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "Principal display panel" shall pertain to all such "principal display panels";
- u)** "Processor" means a person who annually buys, or otherwise acquires from another person, 2,500 gallons of maple syrup or more for purposes of packaging for resale, processing into associated products, or for resale in bulk.
- v)** "Produced in Vermont" shall mean only that maple syrup or other maple products which are manufactured in their entirety from pure, unprocessed maple sap within the state of Vermont pursuant to standards established by the Act and these regulations;
- w)** "Public eating place" means any person or establishment engaged in the business of preparing and selling food for the general public's consumption on premises and who is subject to the license requirement of 18 V.S.A. 4351;
- x)** "Spectrophotometer" means an instrument which measures the % of light transmission through maple syrup determining its grade, by using matched square optical cells having a 10 mm light path at a wavelength of 560 nm, the color values being expressed in per cent of light transmission as compared to A.R. Glycerol fixed at one hundred per cent transmission. Symbolized by "%Tc".

## **Section II** Licenses.

- 1)** A dealer or processor of maple syrup who is doing business in this state, or who wishes to do business in this state, must annually obtain a license to do so from the Secretary; a maple dealer or processor's license may be sought in the following manner:
  - a)** Annually, the dealer or processor shall request an application from the Agency of Agriculture, Food & Markets, 120 State Street, Montpelier, VT 05620-2901;
  - b)** The dealer or processor shall then complete and return the application prior to July 1 of each year;
  - c)** The application shall be fully and accurately filled out, providing all requested information; the dealer or processor shall also provide such additional documentation as the Secretary may from time to time require;
  - d)** The application shall be accompanied by whatever fee is required by law.
- 2)** In addition to other information which the Secretary may from time to time require to be provided by application, the dealer or processor shall provide the following information for the past calendar year:
  - a)** Total amount of Vermont produced maple syrup purchased or otherwise acquired.
  - b)** Total amount of maple syrup not produced in Vermont which was purchased or otherwise acquired;
  - c)** Total amount of bulk maple syrup sold or otherwise disposed of which had the word "Vermont" or the abbreviation "Vt." anywhere on its label other than in the packer's name and address;

- d)** Total amount of bulk maple syrup sold or otherwise disposed of, which did not have the word "Vermont" or the abbreviation "Vt." anywhere on its label, other than in the packer's name and address;
  - e)** Total amount of packaged maple syrup sold or otherwise disposed of which had the word "Vermont" or the abbreviation "Vt." anywhere on the label or package, other than in the packer's name and address;
  - f)** Total amount of packaged maple syrup sold or otherwise disposed of which did not have the word "Vermont" or the abbreviation "Vt." on the label or anywhere else on the package, other than in the packer's name and address;
  - g)** Total amount of maple syrup used in making other maple products which were sold or otherwise disposed of and which had the word "Vermont" or the abbreviation "Vt." anywhere on the label or package, other than in the packer's name and address;
  - h)** Total amount of maple syrup used in making other maple products which were sold, or otherwise disposed of, and which did not have the word "Vermont" or the abbreviation "Vt." anywhere on the label or package, other than in the packer's name and address;
  - i)** Total amount of maple syrup used in maple-flavored products.
  - j)** Total amount of Vermont produced maple syrup in inventory at the end of the year;
  - k)** Total amount of maple syrup not produced in Vermont in inventory at the end of the year.
- 3)** A dealer or processor shall maintain all records necessary to prove the statistical information required by the Act and by these regulations for a period of at least three years. Those records shall include the names and addresses of all persons from whom maple syrup was purchased and the amount of maple syrup purchased. The dealer or processor shall also maintain samples of each and every label and container used in connection with the sale of packaged maple syrup and maple products; he shall maintain samples of each and every label used in connection with bulk maple syrup sales. All such records shall be made available to the Secretary upon request. Failure to maintain adequate records as required by the Act and by these regulations shall constitute sufficient cause for the Secretary to suspend, revoke or refuse to grant that dealer or processor a license.
- 4)** The Secretary may, at his discretion, exempt a dealer or processor from the foregoing record keeping requirements where he finds that the dealer or processor has not, and will not, label his maple syrup or maple products in any way which states or implies that the maple syrup or maple products were produced in Vermont. In order to apply for such an exemption, a dealer or processor shall annually request that status at the time he re-applies for the dealer or processor's license. He shall provide the Secretary with copies of all labels and containers used during the preceding year and with copies of any changes intended to be made to those labels or containers. Upon review, if the Secretary determines that the labels and containers do not state or imply that the maple products were produced in Vermont, he may grant that dealer or processor a one-year exemption from the record keeping requirements.
- 5)** The Secretary may suspend, revoke or decline to grant a dealer or processor's license for cause, or for failure of the applicant to provide all information which the Secretary may reasonably request. Cause sufficient to justify suspension, revocation or refusal to grant a dealer or processor's license may be found where:
- a)** a dealer or processor has violated any provision contained in the Act;
  - b)** a dealer or processor has violated any provision of these regulations;
  - c)** a dealer or processor has failed to keep adequate records demonstrating where maple syrup was produced and how it was labeled when it was sold, as required by Section II.3, unless that dealer or processor has obtained an exemption from record keeping as provided for in Section II.4;
  - d)** a dealer or processor has failed to fully and accurately answer all questions required on the annual application form to obtain a dealer or processor's license, or has failed to provide other information reasonably requested by the Secretary;

- e) a dealer or processor has committed any other action, which in the opinion of the Secretary, gives sufficient cause to warrant suspension, revocation or refusal to grant that dealer or processor's license.

**Section III** State of Vermont Grades and Standards for Maple Syrup.

- 1) The following grades are hereby established as the official grade A maple syrup grade standards for the state of Vermont:
  - a) "Golden Color / Delicate Taste" means pure maple syrup which is free of any material other than pure, clear, clean liquid maple syrup in sanitary condition; which has a color no darker than the United States Department of Agriculture's visual color standard Golden Color, or has a color for light transmittance not less than 75.0%Tc; which has a delicately sweet, original maple flavor characteristic; and which has a density ranging from the equivalent of 36 degrees Baume (66.9 degrees Brix) to 37 degrees Baume (68.9 degrees Brix) at 60 degrees Fahrenheit Modulus 145. Golden Color / Delicate Taste maple syrup shall be free of sugar crystals and shall not be damaged in any way;
  - b) "Amber Color / Rich Taste" means pure maple syrup which is free of any material other than pure, clear, clean liquid maple syrup in sanitary condition; which has a color no darker than the U.S. Department of Agriculture visual standard, Amber Color, or has a color for light transmittance between the range of 74.9%Tc to 50%Tc; it may have a flavor which is more pronounced than that of Golden Color / Delicate Taste, but which is not strong or unpleasant. Amber Color / Rich Taste maple syrup shall be free of sugar crystals and shall not be damaged in any way;
  - c) "Dark Color / Robust Taste" means pure maple syrup which is free of any material other than pure, clear, clean liquid maple syrup in sanitary condition; which has a color no darker than the United States Department of Agriculture visual standard Dark Color, or has a color for light transmittance between the range of 49.9% Tc to 25% Tc; it may have a flavor which is stronger than that of Amber Color / Rich Taste, but which is not sharp, bitter, buddy or off-flavor r. Dark Color / Robust Taste shall be free of sugar crystals and shall not be damaged in any way;
  - d) "Very Dark Color / Strong Taste" means pure maple syrup which is free of any material other than pure, clear, clean liquid maple syrup in sanitary condition; which has a color for light transmittance less than 25% Tc. (The United States Department of Agriculture does not have an approved visual glass comparator which compares to the light transmittance of this grade. Very Dark Color / Strong Taste may have a flavor stronger than Dark Color / Robust Taste, but shall not be damaged in any way and shall be free of sugar crystals;
- 2) "Processing Grade" means pure maple syrup with objectionable odors or flavors and cannot be graded as grade A. Processing Grade shall not be placed in packaged maple syrup containers and may not be sold, offered for sale, or exposed for sale as packaged maple syrup.
- 3) Grade A maple syrup must include a batch code on all retail containers.
- 4) Exceptions: A transition period for using existing grade labeling will extend until January 1, 2015. In addition, producers producing and selling their syrup within the state of Vermont may use the existing grade terminology in addition to the new grades until January 1, 2017. After January 1, 2017, only the appropriate grade designations set forth in these regulations shall be used.
- 5) All maple syrup containers shall have the accurate grade clearly and conspicuously marked upon their principal display panel or other portion of the container most likely to be seen when the container is in its normal display position. Such markings must be in accordance with the requirements of the Act, these regulations, and other applicable state and federal labeling requirements. Only one grade designation may be used on any container. The maple syrup within the container must comply with the minimum standards set by these regulations for that grade. It shall be unlawful for any person to label maple syrup with an inaccurate grade.
- 6) All words and letters of the grade designation used shall be of equal size and prominence.
- 7) The word "Vermont" (or the abbreviation "Vt.") shall appear in conjunction with the grade on any maple syrup container when the maple syrup therein is 100 percent pure maple syrup which is

entirely produced within the State of Vermont. The use of marketing descriptors, such as Vermont Fancy, and other descriptors is allowed. In addition, where the maple syrup within the container was not produced in Vermont the name of the place of origin (that is the state, province, or country) may also be used in conjunction with grade designations.

**8) Density Requirements:**

- a) All grades of packaged maple syrup shall have a minimum density matching its temperature, as indicated on the following chart, which is equivalent to 36 degrees Baume Modulus 145 or 66.9 degrees Brix at 60 degrees Fahrenheit on instruments calibrated at 60 degrees Fahrenheit or other equivalent measurement of density, as determined by the Secretary of Agriculture.

<b>VT Minimum Density Hydrometer Degrees Baume, Modulus 145</b>	<b>Vt. Minimum Density Degrees Brix</b>	<b>Temperature at 500 feet elev.*</b>
Approx. 32.0°	Approx. 59.0°	at 211° F.*
Approx. 32.8°	Approx. 60.6°	at 188° F
Approx. 35.0°	Approx. 64.9°	at 100° F
Approx. 35.25°	Approx. 65.4°	at 90° F
Approx. 35.5°	Approx. 65.9°	at 80° F
Approx. 35.75°	Approx. 66.4°	at 70° F
Approx. 36.0°	Approx. 66.9°	at 60° F
Approx. 36.25°	Approx. 67.4°	at 50° F

- b) Packaged maple syrup shall have the equivalent of a maximum density of not more than 37 degrees Baume or 68.9 degrees Brix at 60 degrees Fahrenheit.
- c) When the proper density for a special temperature reading is needed, the C. H. Jones rule shall be used, i.e. .0265 degrees Baume change in density per each degree change in temperature, or one whole degree change in density per 38 degrees Fahrenheit, or approximately one-fourth of one degree Baume hydrometer change per 10 degrees Fahrenheit change of temperature.
- d) It shall be unlawful to place maple syrup in package sized containers if it does not comply with the density standards of these regulations. Furthermore, it shall be unlawful to sell, exchange, offer for sale, or expose for sale packaged maple syrup which does not meet the density requirements of the regulations.
- e) The density of bulk maple syrup may range from the equivalent of 35.5 degrees Baume (65.9 degrees Brix) to 37 degrees Baume (68.9 degrees Brix) when the syrup temperature is 60 degrees Fahrenheit. When the density of bulk maple syrup does not fall within this range the container shall be conspicuously marked "Notice - The syrup contained herein fails to meet state density standards. The density is \_\_\_\_ degrees Baume at 60 degrees Fahrenheit." The accurate density for the syrup within the bulk container shall be stated.
- f) Bulk maple syrup sold directly to consumers, restaurants or any other market where the syrup is not further processed before purchase by the consumer shall meet the same density standards as packaged maple syrup.

**Section IV** Hydrometers.

**1) Maple Syrup Hydrometers**

- a) It shall be unlawful to sell or offer for sale a maple syrup hydrometer unless it has been tested and approved by the Secretary.

- b) All maple syrup hydrometers which are approved by the Secretary shall have the temperature at which the instrument has been calibrated stamped or printed on the scale chart within the hydrometer stem.
- c) All maple syrup hydrometers shall be tested by floating in a liquid and compared to a master hydrometer which has been approved by the National Bureau of Standards. No maple syrup hydrometer shall be approved by the Secretary which floats more than 1/10 degree above or more than 2/10 degree below the correct floating level at the surface of the liquid, No Brix syrup hydrometer shall be approved which floats more than 2/10 degree above or 4/10 degree below the correct floating level at the surface of the liquid.
- d) All Baume hydrometers approved by the Secretary shall be calibrated in units of 1/2 degree or less; Brix hydrometers shall be calibrated in units of one degree or less.
- e) Calibration marks must be spaced along the hydrometer stem so that each Baume degree will have .26 inch or more of linear space. Each degree of Brix shall have .13 inches or more of linear space.

## 2) Maple Sap Hydrometers

- a) All maple sap hydrometers which are approved by the Secretary shall have the temperature at which the instrument was calibrated stamped or printed on the scale chart within the hydrometer stem;
- b) All maple sap hydrometers shall be calibrated in units of 1/10 degree Brix or less;
- c) All maple sap hydrometers approved by the Secretary shall be tested by floating in liquid and comparing with a master hydrometer which has been approved by the National Bureau of Standards. All maple sap hydrometers approved must meet accuracy standards determined by the Secretary to be reasonable for measuring the sugar content of sap.

## Section V Labeling.

- 1) No person shall label any maple syrup, maple product, maple flavored product, or artificial maple flavored product in any manner which is untruthful, unfair, or deceptive.
  - a) All labels shall comply with other applicable federal and state statutes and regulations relating to labeling and consumer fraud, such as CP 120.
  - b) No maple syrup may be labeled as being a Vermont product, or labeled in any manner which would imply that the maple syrup was produced in Vermont, unless the maple syrup is 100 percent pure maple syrup which was entirely produced within the state of Vermont in compliance with the terms of the Act and these regulations. When the packer's name or, a maple syrup trade mark, contains the word "Vermont", the name or trade mark, may be used on the principal display panel of maple syrup produced outside Vermont if the principal display panel also clearly and conspicuously includes the state of origin of the maple syrup or the country of origin if the country of origin is other than the United States of America.
  - c) No maple product may be labeled as being a Vermont product, or labeled in any manner which would imply that the maple product was produced in Vermont, unless the maple product is a 100 percent pure maple product which was entirely produced within the state of Vermont in compliance with the terms of the Act and these regulations. When the packer's name or, a maple product trade mark, contains the word "Vermont", the name or trade mark, may be used on the principal display panel of the maple product produced outside Vermont if the principal display panel also clearly and conspicuously includes the state of origin of the maple product or the country of origin if the country of origin is other than the United States of America.
  - d) All maple flavored products shall be clearly labeled on their principal display panel or panels in a manner which will alert the purchaser to the fact that the product is not a 100 percent pure maple product, in accordance with the Act and other applicable statutes and regulations, such as CP 120.
  - e) Artificial maple flavored products shall be clearly and conspicuously labeled on their principal display panel or panels with the term "artificial flavor" shall be of a size equal to, or larger

than, other words used to describe the product. It is unlawful to use the terms "maple syrup" or "maple sugar," however modified, to describe an artificially flavored product. Any restaurant menu listing such a product, or any advertising of such a product shall clearly state that the product is artificially flavored.

- 2) The labeling requirements of Paragraph 490 (a) of Title 6 V.S.A. Chapter 32. shall not apply to bulk maple syrup containers used solely for transportation or storage of maple syrup prior to being processed or packaged for consumer sales or prior to being manufactured into another maple product. However, all maple syrup in bulk containers sold directly to consumers, restaurants or any other markets where the syrup is not further processed before purchase by the consumer shall be labeled with the same information required on packaged maple syrup.
- 3) It is recommended that persons wishing to determine whether their maple products labels comply with the terms of the Act and these regulations submit a copy of such labels to the Agency prior to their printing and use. If the label complies with the terms of the Act and these regulations, the Agency will certify its compliance with the provisions of the Act.
- 4) Persons with existing supplies of labels, or preprinted containers, which do not comply with these regulations, may apply to the Secretary for a temporary exemption from these regulations as to those labels, or containers. The Secretary shall have the discretion to permit such persons to use up existing supplies of labels or preprinted containers, where he determines that those labels, or printed containers, will not be misleading to the consumer and where he determines that such an exemption is in the public's interest, any such exemption shall be for a specified period of time only; thereafter, persons who obtained such an exemption shall use only labels, or printed containers which comply with these regulations.

#### **Section VI** Containers.

- 1) All packaged maple syrup containers shall have tamper proof seals which have been approved by the Secretary placed over the container openings except:
  - a) Where the Secretary has deemed that it is impractical to use tamper proof seals on a particular container, or
  - b) Where the package has been opened for inspection by the Secretary or his inspectors.
- 2) All maple syrup containers shall be clean, sanitary and free from rust and shall not contain or be constructed of any substance which could tend to damage the color or flavor of the maple syrup.
- 3) The cap or other closing mechanism of any maple syrup package must be so tightened as to render the contents air tight.
- 4) Packaged maple syrup packed in or found to be in bulged, rusty, unsealed, unsanitary, seriously damaged containers, or containers which are not permanently airtight shall be unlawful and will be subject to embargo, or other remedies provided for by the law.
- 5) Maple syrup containers determined by the Secretary to cause damage to maple syrup shall be removed from sale. The use of such containers for packaging maple syrup is prohibited.
- 6) All bulk maple syrup containers shall be steam cleaned or sterilized with hot water prior to being filled with maple syrup. Such containers shall be free of water at the time they are filled with maple syrup.

#### **Section VII** Advertising.

No person shall advertise any maple syrup, maple product, maple flavored product, or artificial maple flavored product in any manner which is untruthful, unfair, or deceptive.

#### **Section VIII** Repealer.

All Vermont Agency of Agriculture, Food & Markets regulations dealing with maple syrup and maple products which existed prior to the effective date of these regulations are hereby repealed. 6 V.S.A. Chapter 32

## Statutory Authority

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**STATUTORY AUTHORITY:**

6 V.S.A. Ch. 32

## History

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**EFFECTIVE DATE:**

January 22, 1990

**AMENDED:**

December 9, 2005 Secretary of State Rule Log #05-048; January 1, 2014 Secretary of State Rule Log #13-039

CODE OF VERMONT RULES

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