

**Department of Natural Resources
Division of Agriculture**

**Alaska Grown Certification Program
Director's Policy
October 8, 2009**

Purpose

The purpose of this policy is to strengthen and improve the Alaska Grown certification program by implementing significant changes and providing more clarification. The Division of Agriculture (Division) intends to pursue a statutory language change and regulations addressing the program during the 2010 Legislative Session. This policy will help to provide for a smooth transition from the existing program to a program addressed in statute.

Alaska Grown Program

The Division launched the statewide Alaska Grown agriculture products certification program in 1986. Designed to highlight and promote farm products in the marketplace, the program was and has continued to be a success.

Alaska Grown logo

The Alaska Grown logo (logo) is circular with the yellow words "Alaska Grown" printed across a green map of the state of Alaska on a blue background. The perimeter of the logo is rimmed with yellow and all features and letters are outlined in black. The designated colors for the Alaska Grown logo are on file at the Division. Modification of the Alaska Grown logo or logo colors requires prior written approval from the Division.

Permitted use

A farmers market, grocery, or restaurant may use or display the Alaska Grown logo on its premises without written authorization from the Division, only if:

- (1) used or displayed for the direct promotion, marketing, or advertising of Alaska Grown agricultural products offered for sale at the farmers market, grocery, or restaurant; and
- (2) the Alaska Grown logo depiction was obtained directly from the Division.

No person may use the Alaska Grown logo directly or indirectly for any partisan political purpose.

Agricultural product application

A person seeking to use or display the Alaska Grown logo for the promotion, marketing, advertising or sale of an agricultural product must submit a completed Alaska Grown product application to the Division.

Products that qualify for certification under the Alaska Grown program include:

- (1) a vegetable or fruit grown for a minimum of 90 percent of its lifecycle in the state;
- (2) a seed harvested from a product meeting at least one of the requirements of this section;
- (3) a processed feed product with at least 75 percent of its ingredients being Alaska Grown;
- (4) livestock grown in the state for a minimum of 51 percent of its life;
- (5) an egg produced from poultry, while the poultry is in the state;
- (6) an apiculture product, such as honey, wax, comb or pollen, produced while the bees are in the state;
- (7) an animal fiber produced from Alaska Grown livestock;
- (8) an imported live woody plant grown outdoors in the state for a minimum of two years and bearing a hang-tag stating the location where the plant was acclimated and pointing out that it was not started in Alaska;
- (9) a nursery or greenhouse plant, imported into the state as a rooted cutting or propagule and grown to a saleable product with at least 50 percent of its production time being within the state;
- (10) a plant, tree, grain, or grass grown to a finished product in the state; or
- (11) a byproduct or processed product with the principal ingredient meeting at least one of the requirements of this section. Water is not considered an ingredient under this section.

The Division will, within 20 days of receipt of a complete application, notify the applicant in writing of the approval or denial of the application.

Promotional merchandise application

An Alaskan non-profit agricultural organization seeking to use or display the Alaska Grown logo must submit a completed promotional merchandise application to the Division. Included with the application will be:

- (1) a statement explaining the intended use of the Alaska Grown logo;
- (2) evidence that the promotional merchandise will be sold by the non-profit agricultural organization whose purpose is to promote or support the state's agricultural industry;

(3) a description or sample of the promotional merchandise to display the Alaska Grown logo;

(4) a statement acknowledging that the state owns all rights and interests in the Alaska Grown logo; and

(5) upon request, any additional information, records or samples reasonably necessary to support or clarify the application.

The Division will, within 20 days of receipt of a complete application, notify the applicant in writing of the approval or denial of the application.

No rights before license agreement

The filing of an application does not in any way vest any right in the applicant to use or display the Alaska Grown logo pending issuance of a licensing agreement by the Division.

Agricultural product license agreement

Upon satisfactory review of an application, the Division will issue a license agreement which, among other things, will provide:

- (1) The license is non-transferable, non-assignable and non-exclusive;
- (2) The license may be terminated by the Division for good cause; and
- (3) The term of the license shall not exceed 4 years.

It is the licensee's responsibility to verify that a current license agreement is on file with the Division prior to using the Alaska Grown logo. The licensee must inform the Division of any change in mailing address or telephone number.

Promotional merchandise license agreement

Upon satisfactory review of an application, the Division will issue a license agreement, which among other things, will provide:

- (1) The license is non-transferable, non-assignable, and non-exclusive;
- (2) The license may be terminated by the Division for good cause;
- (3) The term of the license is for a period of two years with an optional two year renewal;
- (4) The licensee shall only use its net proceeds from the sale of Alaska Grown promotional merchandise to promote or support the state's agricultural industry;

(5) The licensee shall maintain, for Division inspection, books and accounts of sales, transactions, expenses, costs, and expenditures relating to the production, sale and distribution of Alaska Grown promotional merchandise, and the use of its net proceeds; and

(6) The licensee shall submit to the Division on an annual basis the accounts and records reasonably necessary to support or clarify compliance with the license agreement, such as, but not limited to:

- (A) tax returns;
- (B) detailed financial and other accounting statements;
- (C) projected income and expense statements; and
- (D) financial statements prepared by a certified public accountant, at the licensee's expense.

It is the licensee's responsibility to verify that a current license agreement is on file with the Division prior to using the Alaska Grown logo. The licensee must inform the Division of any change in mailing address or telephone number.

Misrepresentation

No person may misrepresent the origin, quality, or Division approval of a product under the Alaska Grown certification program by means of mislabeling, deceptive packing, oral assertion, or by any other manner or use of the Alaska Grown logo.

Definitions

(1) "active management" means involving personal effort, direct involvement, maintenance and action to take charge or care of promoting the growth of a plant or animal and does not include the harvesting of wild products such as berries, berry like fruits, leaves, flowers, mushrooms, lichens, bark, branches, twigs, roots and seeds;

(2) "agricultural product" means a product produced by way of horticulture, dairying, livestock production, fur farming, apiculture, grain production, vegetable production, fruit production, and related forms of agriculture;

(3) "agriculture" means the science, art, and business of producing crops, livestock, dairy, insects, agricultural products, or related byproducts through active management;

(4) "animal fiber(s)" means a fiber harvested from livestock such as wool;

(5) "apiculture" means beekeeping for the sale of honey, or related byproducts;

(6) "byproduct" means a secondary commodity produced from an agricultural product;

(7) "crops" means small grains, seeds, forages, fruits, vegetables, tubers, fungi, and other cultivated plants;

- (8) “director” means the director of the Division of Agriculture in the Department of Natural Resources or the director’s authorized agent;
- (9) “Division” means the Division of Agriculture within the Department of Natural Resources
- (10) “licensee” means a person who has executed a current and valid written license agreement with the Division to use the Alaska Grown logo;
- (11) “livestock” means domestic animals raised for agricultural purposes, excluding the breeding or training of horses;
- (12) “mislabel” means the presence of a statement, design, logo, or device, upon a product, package, label, placard, or advertisement that in any way suggests, advertises, or promotes an agricultural product or promotional merchandise product as being connected to, approved by, or associated with the Alaska Grown certification program, when said product does not in every respect comply with this policy document;
- (13) “net proceeds” means the gross revenues from the sale of promotional merchandise, less cost of goods sold and all reasonable and necessary direct expenses incurred by the licensee in connection with such sale;
- (14) “person” includes firm, corporation, company, association, cooperative, partnership or business combination of any nature, whether for profit or not-for profit;
- (15) “plant” means a whole or part of a plant, tree, shrub, vine, fruit, vegetable, seed, bulb, stolon, tuber, corm, pip, cutting, scion, bud, graft, or fruit pip;
- (16) “promotional merchandise” means merchandise approved by the Division for sale by authorized promotional merchandise licensees, such as clothing depicting the Alaska Grown logo, used to advertise or promote the recognition of the Alaska Grown program or Alaska Grown products;
- (17) “sold or sale” includes offering for sale, exposing for sale, having in possession for sale, exchanging, bartering and trading; and
- (18) “state” means the State of Alaska.