

## **SUBCHAPTER 43C - INSPECTION OF FARM: HORTICULTURAL CROPS AND ANIMAL PRODUCTS**

### **SECTION .0100 - INSPECTION OF FARM: HORTICULTURAL CROPS AND ANIMAL PRODUCTS**

#### **02 NCAC 43C .0101 DEFINITIONS**

(a) Definitions referred to in this Subchapter shall be in effect throughout 02 NCAC 43C.

(b) Words used in the following regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand:

- (1) "Person" means individuals, associations, partnerships or corporations.
- (2) "Commissioner of Agriculture" means the Commissioner of Agriculture or his employees or agents.
- (3) "Official Graders or Inspectors" means employees of the Department of Agriculture or other persons authorized by the Commissioner of Agriculture to investigate and certify to shippers and other interested parties, the class, quality or condition of farm, horticultural crops and animal products under the act.
- (4) "Office of Grading and Inspection" means the office of an official grader authorized to grade farm, horticultural crops and animal products under the act.
- (5) "Inspection Certificate" means a certificate showing the grade, class, quality and condition of the products by an official inspector under the act.
- (6) "Regulations" are the rules and regulations of the Board of Agriculture under the act, G.S. 106, Article 17.

*History Note: Authority G.S. 106-190; 106-195;  
Eff. August 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

#### **02 NCAC 43C .0102 WHERE SERVICE IS OFFERED**

(a) Inspection may be made wherever products are offered for shipment or sale, including fields, orchards, packing houses, common and cold storage warehouses, loading platforms and railway and express cars, dressing plants and hatcheries.

(b) The inspection service may be established at such points as the commissioner or his agents may decide and the service be made available on such commodities and to such persons as is deemed advisable.

*History Note: Authority G.S. 106-190; 106-195;  
Eff. August 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

#### **02 NCAC 43C .0103 APPLICATION FOR INSPECTION**

(a) An application for inspection under the act may be made by any person having financial interest in the products involved, including the grower, shipper, receiver, or the carrier, or by authorized person in behalf of such applicant.

(b) Such application may be filed at the office of inspection or with any authorized inspector at or nearest the point where inspection is desired.

(c) Applications may also be made to:

Division of Markets

North Carolina Department of Agriculture

Raleigh, North Carolina 27611

(d) Such application may be received in writing or orally, by telegraph, telephone or otherwise. The inspector in charge of any office may require that the application be made in writing and upon such forms as may be furnished from his office.

(e) Inspections may be rejected when in the opinion of the inspector the applicant had failed to make proper application or time does not permit it. In such case, the inspector shall immediately notify the applicant.

*History Note: Authority G.S. 106-190; 106-195;  
Eff. August 1, 1982;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

#### **02 NCAC 43C .0104 INSPECTION**

- (a) The applicant shall cause the product of which inspection is requested to be made accessible for inspection and to be so placed as to disclose its quality and condition.
- (b) As many inspections shall be made as facilities permit and as far as practicable in the order in which applications are received.
- (c) No inspector shall inspect any products in which he is directly or indirectly financially interested.
- (d) The inspector may issue and transmit to the shipper of such products and other parties interested therein certificates or copies thereof showing the results of such investigations or such reports as he may deem necessary.

*History Note: Authority G.S. 106-190; 106-195;  
Eff. August 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

#### **02 NCAC 43C .0105 INSPECTION CERTIFICATES**

- (a) The inspector shall sign and issue a separate certificate for each lot of produce inspected by him. In case two or more lots are loaded together, one certificate may be used; provided, that in case of inspection for any branch of the federal government or for a public institution such lots may be marked by proper stamps to denote quality that conforms to the contract specifications.
- (b) The original certificate shall immediately upon its issuance be delivered or mailed to the applicant or a person designated by him. Two additional copies may be furnished without extra cost.
- (c) Notifications of inspections made shall be mailed or delivered to all parties who are entitled to such information, provided the address of such parties is known.
- (d) In case of cooperative agreements between the state and federal authorities, one copy of each certificate shall be filed with the United States Department of Agriculture, Washington, D.C. and the North Carolina Department of Agriculture, Division of Markets, Raleigh, North Carolina.
- (e) Extra copies may be secured by any financially interested persons upon payment of fee determined by the Commissioner of Agriculture. In case of small lots, temporary certificates may be furnished the applicant and copies filed with the local inspection office and later be forwarded to the Raleigh office.
- (f) Requests for extra copies should be directed to:  
Commissioner of Agriculture  
North Carolina Department of Agriculture  
Post Office Box 27647  
Raleigh, North Carolina 27611
- (g) When approved by the Commissioner of Agriculture or his agents, certificates of grade, quality or class of farm, horticultural crops and animal products that have previously been graded may be issued on such forms as may be approved.
- (h) Authority to issue certificates of quality shall be given only to applicants for grading or to vendors of products previously graded who have made written application for the privilege and have declared their intentions and willingness to conform to these instructions, and furnish these certificates and keep records of the same and furnish information regarding their use as may be required by the Commissioner of Agriculture.
- (i) Certificates of quality and marked grades may be used only on quality products which have been previously officially graded and solely for such purposes as may be considered proper, ethical and legal in merchandising graded products.
- (j) The privilege or authority to use authorized certificates of quality, labels, seals or stamps of an official grader may be withdrawn for disuse, unethical, deceptive, fraudulent, illegal or unauthorized use.

*History Note: Authority G.S. 106-190; 106-192; 106-195;  
Eff. August 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

#### **02 NCAC 43C .0106 PAYMENT OF FEES**

- (a) When payment of fees is not made as directed, additional grading service may be refused until the applicant remits payment for all outstanding bills due the Department of Agriculture for grading services rendered. This fee may be collected in advance if deemed advisable by the inspector.
- (b) Fees for inspection made shall be promptly remitted to the Department of Agriculture.
- (c) Such charges may be made for traveling expenses and other items in connection with an inspection made at a place where no inspector is located as will reimburse the department.
- (d) Additional copies of a single certificate may be had by any person financially interested in the product for two dollars and twenty-five cents (\$2.25) each.

*History Note: Authority G.S. 106-190; 106-195;  
Eff. August 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

#### **02 NCAC 43C .0107 FRAUD**

Any willful misrepresentation or any deceptive or fraudulent practice made or committed by any person in connection with the making or filing of an application, the use of a grading certificate or a certificate of quality issued under these Regulations; or the use of an official grading stamp, tag, seal, or approved label or any willful violation of these Regulations, or of the supplementary rules and instructions issued by the Board of Agriculture may be deemed sufficient cause for debarring such person from any benefits of G.S. 106, Article 17.

*History Note: Authority G.S. 106-185; 106-189; 106-190; 106-195;  
Eff. August 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.*

#### **02 NCAC 43C .0108 MISUSE OF OFFICIAL SEALS: BRANDS: TAGS: ETC.**

It shall be the duty of every official inspector of products to report each and every misuse of official seals, brands, tags, etc., which might be considered improper or would tend to approximate those used under these official rules.

*History Note: Authority G.S. 106-186; 106-190; 106-193; 106-194; 106-195;  
Eff. August 1, 1982;  
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