

**ARTICLE 7-09
PRIDE OF DAKOTA PROGRAM**

Chapter
7-09-01 Pride of Dakota Program

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7-09-01-01. Purpose.

In keeping with the policy of the North Dakota department of agriculture to expand, improve, and develop markets for North Dakota products by promoting their use and sale and pursuant to house concurrent resolution and appropriation by the 1985 legislative assembly, it is the purpose of the pride of Dakota program to identify and promote those products which are created, produced, processed, or manufactured in North Dakota.

History: Effective May 1, 1988; amended effective July 1, 2020.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4.1-01-08

7-09-01-02. Definitions.

All terms have the same meaning as in North Dakota Century Code title 4.1 unless otherwise specified.

1. "Business" means any individual, partnership, cooperative association, corporation, business trust, or unincorporated organization or other business with a permanent place of business located completely or in part within the boundaries of North Dakota.
2. "Educational institutions" means any North Dakota schools, colleges, universities, or other North Dakota educational institutions.
3. "Improper use" means any use of the logo not authorized by the commissioner or a use of the logo inconsistent with program policy.
4. "Manufacturer" or "processor" means an individual, partnership, cooperative association, or corporation which processes or manufactures raw materials, agriculture products, or ingredients into food or nonfood products.
5. "Nonprofit organization" means any established nonprofit organization in North Dakota as defined by North Dakota Century Code section 10-33.

6. "Pride of Dakota logo", or "logo" means the logo developed for the North Dakota department of agriculture to identify a product which is created, produced, processed, or manufactured in North Dakota.
7. "Producer" means any individual, partnership, family farm, family farm corporation, or cooperative association actually engaged in the production for sale of agriculture products.
8. "Product" means any product that is created, produced, processed, or manufactured within the state of North Dakota for sale or distribution in its final form.
9. "Trade association" means a North Dakota-based organization of producers, processors, manufacturers, retailers, or wholesalers of products.

History: Effective May 1, 1988; amended effective July 1, 2020.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4.1-01-08

7-09-01-03. Eligible applicants.

1. **Producers.** Any North Dakota producer may apply to use the logo on any agriculture product to be used in its original form or on any agriculture product intended to be processed or manufactured, if the agriculture product is produced on a farm or other production unit located completely, or in part, within the boundaries of North Dakota, and if the processed or manufactured agriculture product meets all applicable minimum requirements for the product in North Dakota.
2. **Processors and manufacturers.** Any processor or manufacturer may apply to use the logo on any product, if the product was processed or manufactured in a factory or plant located completely, or in part, within the boundaries of North Dakota, and if the product meets all the applicable minimum requirements of law for processing or manufacturing the product in North Dakota.
3. **Others.** Any business, trade association, educational institution, or commodity group may apply to use the logo on products created, produced, processed, or manufactured by them.

History: Effective May 1, 1988; amended effective July 1, 2020.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4.1-01-08

7-09-01-04. Application.

1. Any eligible producer, processor, manufacturer, business, trade association, commodity group, education institutional, or nonprofit organization located completely or in part within North Dakota may apply to use the logo.
2. All applicants must be registered and in good standing with the secretary of state for the state of North Dakota.
3. Application must be made on forms provided by the department and must contain all of the following:
 - a. The name and address of the applicant. The address must indicate the applicant performs substantial functions in North Dakota.
 - b. The location of the producer, processing or manufacturing facility or plant, business, trade association, commodity group, educational institution, or nonprofit organization providing products on which the logo is intended to be used.

- c. A comprehensive list of all products on which the logo may be used. Application to use the logo with any product not originally listed with the department may be made at any time.

History: Effective May 1, 1988; amended effective July 1, 2020.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4.1-01-08

7-09-01-05. Fees.

1. An eligible producer, processor, manufacturer, nonprofit organization, or business will pay an annual fee for the use of the logo at a rate to be determined by the department. This fee will be no less than fifty dollars and no greater than one thousand dollars.
2. An eligible trade association, commodity council, or educational institution will pay an annual fee for the use of the logo as determined by the department. The minimum annual fee for these organizations will be two hundred fifty dollars.
3. The income from the fees collected by the department will be used by the department in the development of programs to promote recognition and awareness of the logo among the consuming public.
4. A voluntary advisory council of seven members will be appointed by the commissioner to advise the department regarding issues related to the pride of Dakota program. Members of the advisory council may not receive any compensation for their services on the council, but are entitled to be reimbursed for their expenses incurred in performing their duties in the amounts provided by law for state employees.

History: Effective May 1, 1988; amended effective July 1, 2020.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4.1-01-08

7-09-01-06. Authorization.

1. Authorization from the department to use the logo depends upon approval of an application by the commissioner and extends Members of the advisory council may not receive any compensation for their services on the council, but are entitled to be reimbursed for their expenses incurred in performing.
2. Authorized users will receive a certificate of authorization to use the logo which they may display in their place of business. Reproduction proofs of the logo will be furnished to authorized users.
3. The department will advise and assist any authorized user of the logo with respect to the size of the logo, its color, its placement on packages, or similar matters, as requested. There may be no alteration in design, color, or makeup of the logo without prior written approval of the commissioner.

History: Effective May 1, 1988; amended effective July 1, 2020.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4.1-01-08

7-09-01-07. Renewal of authorization.

1. The department shall notify authorized users of the logo of the January first renewal date six weeks prior to the expiration of their authorization to use the logo.

2. Authorization to use the logo may be renewed if reapplication, including any changes in information provided with the previous application, is made on forms provided by the department and approval is granted by the commissioner.
3. Renewal of authorization may be denied at the discretion of the commissioner.

History: Effective May 1, 1988; amended effective July 1, 2020.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4.1-01-08

7-09-01-08. Promotional use of the logo.

Repealed effective July 1, 2020.

7-09-01-09. Improper use.

Improper use of the logo includes:

1. Use on products not created, produced, processed, or manufactured in whole or in part within the boundaries of North Dakota;
2. Allowing the use of the logo by another person who is not an authorized user. Authorization to use the logo is nontransferrable;
3. Using the logo without prior approval of the commissioner; or
4. Any use which the commissioner determines to be ineligible.

History: Effective May 1, 1988; amended effective July 1, 2020.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4.1-01-08

7-09-01-10. Enforcement.

1. **Investigation and revocation.** If the commissioner has reason to believe there is improper use of the logo, the commissioner may investigate the use to determine whether improper use has occurred. After investigation, the commissioner may revoke authorization or refuse to grant or renew authorization to use the logo if the commissioner determines that improper use has occurred.
2. **Civil action.** When an investigation by the commissioner reveals improper use of the logo is occurring or has occurred, the commissioner may seek injunctive relief or seek to apply other appropriate legal remedies in a court of competent jurisdiction.

History: Effective May 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4.1-01-08

7-09-01-11. No warranty of quality.

Use of the logo does not represent a warranty by the department of any kind, expressed or implied, about the quality of the product on which the logo appears. Authorized use of the logo means only that the product has been approved to use the logo as a product that was created, produced, processed, or manufactured in whole, or in part, within the boundaries of North Dakota, and that the authorized user, and not the department, represents that the product meets all applicable minimum legal requirements for creating, producing, processing, or manufacturing the product in North Dakota.

History: Effective May 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4.1-01-08

7-09-01-12. Compliance with other law.

Compliance with the rules of this chapter does not exempt any business producer, processor, or manufacturer from complying with other applicable statutes and rules relating to any product, including the labeling requirements of any product.

History: Effective May 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4.1-01-08