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Frequently Asked Questions: Advertising Agricultural Products as Local or Locally Grown

What is the Advertising Agricultural Products as Local or Locally Grown Law?

In 2010, the Maryland General Assembly passed, and Governor Martin O'Malley signed into law this measure. The regulations implementing this law require businesses that advertise raw meat, eggs, fish, fruits, vegetables, shellfish and processed dairy products as local or being locally grown, regionally grown or produced, or otherwise represented as having originated close by, must have point-of-sale signage indicating the state of its origin.

Why does this law exist?

Maryland farmers and watermen have benefited from a growing public awareness and desire to purchase Maryland-grown food. Businesses selling food have supported sales of Maryland food along with food from other states. However, in many cases the food has been classified as "local" at the point of sale, without any definition of the term. Lawmakers and the public were concerned that consumers were not getting clear information on what they were buying and that those who would like to support local farmers and watermen through buying fresh, local food could not do so in some retail settings.

What specifically does the law apply to?

Raw meat, eggs, fish, fruits, vegetables, shellfish and processed dairy products (milk, cheese, yogurt, kefir, ice cream).

Does it apply to processed food (excluding milk, cheese, yogurt, kefir, ice cream)?

No. Processed food (excluding milk, cheese, yogurt, kefir, ice cream) is not regulated.

Does it apply to honey?

No.

Where does advertising have to define source of the food?

These regulations apply to the advertising at point of sale. If a display of apples, for example, has a sign near them declaring they are local, locally grown, regional, “from your backyard,” the advertisement must say in which state or states the apples were grown. Or, an adjacent placard must clearly state which in which states the produce was grown.

If I have a billboard, television, radio or magazine advertisement saying I am selling local fruit, does the billboard have to say which states the fruit comes from?

No. These regulations refer to point of sale only.

If I sell apples which were grown in Pennsylvania and Maryland and have them in the same bin and have the word “local” or “regional” above them, what do I have to do?

Intermingled product must include signage indicating the state of origin. In this case, the sign could say: “Locally grown apples – from Maryland and Pennsylvania.”

If the label on my milk, cheese, ice cream or yogurt says it is local, do I have to say from which states the milk came from?

Yes.

What typestyle do I have to use saying which state it comes from?

It has to legible and readable.

Does this apply to farm-stands, restaurants, farmers markets and grocery stores?

Yes. Any business which retails food in its raw state is covered by this regulation.

How will the law be enforced?

Any citizen may report a violation. Maryland Department of Agriculture will investigate the complaint. If the complaint is valid, MDA will warn the business. If the business ignores the warning, the business will be fined up to \$500.00. Violators may also be listed in resulting press releases.

Where can I find a copy of the 2010 legislation?

<http://mlis.state.md.us/2010rs/billfile/hb0421.htm>

Where can I find the final regulations?

<http://www.mda.state.md.us/pdf/finalbuylocalregs.pdf>

Who do I call for more information?

The Marketing and Agricultural Development Section of MDA at (410) 841-5770.