

Adopt Agr 904, previously effective 2-15-97 (Document # 6453), and expired 2-15-05, to read as follows:

CHAPTER Agr 900 STANDARDS FOR FARM PRODUCTS: BRANDS, LABELS, GRADES

Statutory Authority: RSA 426:1, RSA 429:25

PART Agr 904 MAPLE SYRUP

Statutory Authority: RSA 426:1, RSA 429:25

Agr 904.01 Purpose: These rules implement the procedures of the department of agriculture, markets and food, pursuant to RSA 429:13 et seq., relative to grading, labeling, packaging and sale of maple products in New Hampshire.

Agr 904.02 Applicability: These rules shall apply to any person who produces, packages or distributes maple products for sale or distribution in the state, except as stated in Agr 904.05 (a).

Agr 904.03 Definitions: The following words shall have the meanings indicated when used in this part:

- (a) "Act" means RSA 429:13-27;
- (b) "Baume" means a measurement that relates the density of a liquid to that of a salt solution;
- (c) "Brix" means a measurement of the percent of soluble solids in a liquid;
- (d) "Buddy" or "Buddiness" means the unpleasant flavor characteristics of syrup or sugar made from sap collected from maple trees as they come out of dormancy, just prior to and during the onset of bud break;
- (e) "Clean" means that the syrup is practically free from foreign material;
- (f) "Color comparator" means any device that compares an unknown color with that of a standard color sample for comparison purposes;
- (g) "Color standards" means the standards for maple syrup promulgated through regulation by the commissioner;
- (h) "Damage" means any defect that affects the color, appearance, flavor, aroma, edibility or shipping quality of the maple syrup or maple products. Damage includes the presence of fermentation, or any buddy flavor, scorched flavor, or other distasteful foreign flavor;

(i) “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. Maple products include products subjected to the use of filter aids used for the sole purpose of assisting the removal of suspended material or the use of defoaming agents intended for food processing;

(j) “Maple syrup” means syrup with a density ranging from 36 to 37 degrees Baume or 66.9 to 68.9 degrees Brix at 60 degrees Fahrenheit, which is made from pure maple sap and intended for human consumption or for use in the manufacture of maple products;

(k) “Packaged maple syrup” means maple syrup packed in consumer sized containers of one gallon or less;

(l) “Plainly and conspicuously” means that the lettering used to cover information required by the law on markings is large and legible enough so as not to be obscured by other markings or illustrations used;

(m) “Practically clear” means slight presence in suspension of fine particles of mineral matter, such as malate of lime, niter, sugar sand or other substances that detract from the clearness of the syrup;

(n) “Practically free” means slight presence of foreign material such as bark, soot, dust or dirt;

(o) “Product code” means any distinctive combination of letters, numbers, or symbols, or any combination, from which the origin of the manufacture, processing, packing, holding, and distribution of a batch or lot of syrup can be determined;

(p) “Serious damage” means any defect that seriously detracts from the edibility, marketability, purity, or safety of the syrup and includes badly scorched syrup, buddy syrup, fermented syrup or syrup that has distasteful foreign flavor or disagreeable odor.

Agr 904.04 Color Standards.

(a) Color standards with the equivalent results to the following light transmittance values (%Tc) on a spectrophotometer shall be as follows:

(1) “Golden”  $\geq 75.0$ ,

(2) “Amber” 50.0-74.9,

(3) “Dark” 25.0-49.9,

(4) “Very Dark”  $< 25.0$ .

(b) A color comparator shall be used for determining the color grade of maple syrup.

Agr 904.05 Maple Syrup Grades Established.

(a) By January 1, 2016, maple producers shall apply the maple grades as specified in (b) through (f) below to all pure maple syrup.

(b) “Grade A Golden Color, Delicate Taste” shall have the following characteristics:

- (1) The syrup shall be pure maple syrup that is clean and practically clear or better;
- (2) The color shall be as light as or lighter in color than the golden color as defined in Agr. 904.04, and have a delicate or mild taste;
- (3) The syrup shall be practically free from damage caused by objectionable odor or flavor, such as but not limited to scorching, buddiness or bitterness; and
- (4) The syrup shall be free from serious damage.

(c) “Grade A Amber Color, Rich Taste” syrup shall have the following characteristics:

- (1) The syrup shall be pure maple syrup that is clean and practically clear or better;
- (2) The color shall be darker in color than golden, but shall be no darker than the amber color as defined in Agr. 904.04, and have a rich or full-bodied taste;
- (3) The syrup shall be practically free from damage caused by objectionable odor or flavor, such as but not limited to scorching, buddiness, or bitterness; and
- (4) The syrup shall be free from serious damage.

(d) “Grade A Dark, Robust Taste” syrup shall have the following characteristics:

- (1) The syrup shall be pure maple syrup that is clean and practically clear or better;

(2) The color shall be darker in color than amber, but shall be no darker than the dark color as defined in Agr. 904.04, and have a robust or strong taste;

(3) The syrup shall be practically free from damage caused by objectionable odor or flavor, such as but not limited to scorching, buddiness, or bitterness; and

(4) The syrup shall be free from serious damage.

(e) “Grade A Very Dark, Strong Taste” syrup shall have the following characteristics:

(1) The syrup shall be pure maple syrup that is clean and practically clear or better;

(2) The color shall be darker in color than dark as defined in Agr. 904.04, and have a very strong taste;

(3) The syrup shall be practically free from damage caused by objectionable odor or flavor, such as but not limited to scorching, buddiness, or bitterness; and

(4) The syrup shall be free from serious damage.

(f) “Processing Grade” syrup shall have the following characteristics:

(1) The syrup shall be pure maple syrup that may have objectionable odors or flavors;

(2) The syrup shall not be graded as grade A;

(3) The syrup shall not be placed in packaged maple syrup containers and shall not be sold, offered for sale, or exposed for sale as packaged maple syrup; and

(4) The syrup shall be designated or labeled as “Processing Grade”.

Agr 904.06 Tolerances for Established Grades

(a) In order to allow for variations incident to proper grading and handling, not more than 10 percent by count of the packaged maple syrup in any lot shall have syrup below the requirements for the grade, provided:

(1) There shall be no defects causing serious damage;

(2) None of the syrup shall be darker than the color standard than that which is required of the next darker grade; and

(3) None of the syrup shall be lighter than the color standard than that which is required of the next lighter grade.

(b) Not more than 10 percent by count of the packaged maple syrup in any lot shall be as light in density as 35.5 points Baume or 65.9 Brix at 60 degrees F.

#### Agr 904.07 Labeling

(a) Any maple syrup, maple product, maple flavored product or artificial maple flavored product label shall comply with applicable federal and state statutes, regulations, and rules, relating to labeling and consumer fraud.

(b) Artificial maple flavored products shall be clearly and conspicuously labeled on their principal display panel or panels with the term “artificial flavor” and meet the requirements of RSA 429:17.

(c) Artificial maple flavored products shall be labeled as follows:

(1) The letters or words “artificial flavor” shall be of a size equal to, or larger than, other words used to describe the product;

(2) The terms, “maple syrup” or “maple sugar”, however modified, shall not be used to describe an artificially-flavored product; and

(3) Any restaurant menu listing such a product, or any advertising of such a product, shall clearly state that the product is artificially flavored, pursuant to RSA 429:16.

(d) Persons wishing to determine whether the labels for maple products comply with the terms of the law and these rules shall submit a copy of such labels to the department of agriculture, markets and food prior to their printing and use. If the label complies with the terms of the law and these rules, the department shall certify its compliance with the provisions of the law.

#### Agr 904.08 Containers

(a) All sap collecting and storage containers shall be of materials meant for food or potable water.

(b) All containers of packaged maple syrup shall:

(1) Be hot packed at a temperature of 180-190 degrees F;

(2) Be packed in containers made from food grade material;

(3) Have tamper evident seals placed over the container openings, which means it would be readily apparent if it was previously opened; and

(4) Include a product code.

(c) All maple syrup containers, caps and closures shall:

(1) Be clean;

(2) Be sanitary;

(3) Be free from rust;

(4) Not contain, or be constructed of, any substance which could tend to damage the color, flavor, marketability, purity, or safety of the maple syrup; and

(5) Be stored, prior to use, in a manner that prevents contamination.

(d) Maple syrup shall not be packed in or found to be in cracked, punctured, bulged, rusty, or unsanitary containers which are unsealed or improperly sealed.

#### Agr 904.09 Bulk Maple Syrup

(a) 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.

(b) 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 be labeled with the same information required by RSA 429:14.

(c) The density of bulk maple syrup may range from the equivalent of 35.5 points Baume (65.9 degrees Brix) to 37 points 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 clearly marked “**Notice-** The syrup contained herein fails to meet state density standards. The density is \_\_\_\_ points Baume at 60 degrees Fahrenheit.” The accurate density for the syrup within the bulk container shall be stated.

#### Agr 904.10 Voluntary Registration

(a) New Hampshire maple packers and producers may register the name of the farm or business with the New Hampshire Department of Agriculture, Markets & Food. The application for registration shall be submitted to the

commissioner on the “Maple Producer-Voluntary Registration Form”, MPVR-14, furnished by the commissioner.

- (b) Following receipt of a completed registration form, the department shall provide each registrant with a “Voluntary Registration Certificate” which may be displayed by the registrant or not at their option.
- (c) The registration shall be for a six-year period.

#### **Appendix I**

<b>Rule</b>	<b>Statute Implemented</b>
Agr 904.01-Agr 904.06	RSA 429:13
Agr 904.07-Agr. 904.08	RSA 429:14, :16
Agr. 904.09	RSA 429:13
Agr. 904.10	RSA 429: 13-a