DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED CHANGES IN THE REGULATIONS

Title 3. California Code of Regulations
Article 6.5 Direct Marketing

The full text of the original proposed amendments to the California Code of Regulations that concern Direct Marketing is provided in its original single underline and ~~strikethrough~~ format.

Changes that were provided in the first Notice of Change in Text are indicated by double underline for additional text, and double ~~strikethrough~~ for deleted text to the originally proposed text. The comment period for the first 15-Day Notice of Change in Text is closed.

The changes provided in the second Notice of Change of Text are indicated by **dotted bold underline** for additional text added and **~~dotted bold underline strikethrough~~** for additional deleted text to the originally proposed text.

Amend Section 1392. Intent. to read:

It is the intent of this article to encourage productive and profitable agriculture in California, as directed by state agricultural policy (California Food and Agriculture Code, Division 1, Chapter 6, Article 2, Section 821), by ~~The intent of this article is to facilitate~~ facilitating the sale of agricultural products from producers and certified producers within the state directly to consumers or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users, while maintaining sufficient regulatory control to ensure that the agricultural products are of acceptable quality and that the selling activities are conducted honestly and fairly.

Note: Authority cited: Sections 14, 407, 42682, 42684, 58101, 58101.5, 58102, 58103 and 58104, Food and Agricultural Code. Reference: Sections 821, 42941, 58101, 58101.5, 58102, 58103, and 58104, Food and Agricultural Code.

Amend Section 1392.1. Direct Marketing Authorized. to read:

(a) Notwithstanding other provisions of this Group, this article authorizes producers or certified producers of certified or noncertifiable agricultural products to sell their products as defined in this article, directly to consumers or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users, subject to the provisions of this article.

...

(d) Fresh fruits, nuts, and vegetables may be sold directly to consumers or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users, exempt from size, standard pack, container, and labeling requirements only by:

(1) The certified producer of the agricultural products at a stand at a certified farmers' market; or

(2) The producer of the agricultural products at a field retail stand or farm stand located at or near the point of production.

(e) Fresh fruits, nuts, and vegetables may be sold for commercial resale only when such products comply with all applicable size, standard pack, standard container, and labeling requirements, except as provided in subsection 1392.4(k).

(~~e~~f) All fresh fruits, nuts, and vegetables sold pursuant to this article shall comply with the regulations of the California Code of Regulations, title 3, subchapter 4, beginning with section 1359, governing maturity and quality.

(~~f~~g) Excluding fresh fruits, nuts, and vegetables, agricultural products, as defined in this article, which are sold or offered for sale at a certified farmers' market, a field retail stand, or a farm stand ~~or~~ at or near the point of production, must comply with all applicable laws and regulations pertaining to quality and labeling.

(~~g~~h) This article does not supersede the provisions of federal marketing orders, state marketing orders, state laws and regulations enforced by any state agency or any other local health and safety laws, regulations, or ordinances.

Note: Authority cited: Sections 407, 42681, 42682, 42684, 47000, 47001, and 47003, Food and Agricultural Code. Reference: Sections 42941, 47002, and 47003, Food and Agricultural Code.

Amend Section 1392.2. Definitions. to read:

...

(a) Certified Farmers' Market. A location approved by the county agricultural commissioner of that county where agricultural products are sold by producers or certified producers directly to consumers or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users. A certified farmers market may only be operated by one or more certified producers, by a nonprofit organization, or by a local government agency.

(b) Certified Farmers' Market Certificate. A certificate issued by the county agricultural commissioner authorizing the location where agricultural products are sold by the producers directly to consumers, or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users. The certificate is valid

only when bearing the original signatures of the county agricultural commissioner and the authorized representative of the certified farmers' market. Upon receipt of a certified farmers' market certificate, an operator shall assume and retain responsibility for all aspects of the operation of a certified farmers' market at the location specified; including, but not limited to legal, financial and regulatory compliance requirements.

...

(e) Certified Producer. A producer authorized by the county agricultural commissioner to sell certified agricultural products, produced by practice of the agricultural arts upon land which the certified producer controls, directly to consumers or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users, at a certified farmers' market.

...

(g) Consumer. A person who purchases and receives agricultural products at a field retail stand or farm stand at or near the point of production or at a certified farmers' market exclusively for personal or normal household use and does not include~~. It excludes~~ a person ~~who purchases~~ to whom fresh fruits, nuts, and vegetables are sold for commercial resale ~~unless such products comply with all applicable size, standard pack, containers, and labeling requirements~~ except as provided in subsection 1392.4(k).

(h) Direct Marketing. The sale:

(1) At a certified farmers' market of agricultural products by a certified producer to a consumer or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users; or

(2) At a certified farmers' market of noncertifiable agricultural products by a producer to a consumer or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users; or

(3) At a field retail stand or farm stand ~~or~~ near the point of production of agricultural products by a producer to a consumer or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users.

...

(j) Employee. Any person employed by a certified producer at a regular salary or wage, on either a full or part time basis. ~~It~~ The term "employee" does not include any person who is reselling agricultural products purchased from another producer or whose compensation is primarily based on a commission of sales.
Notwithstanding the above, an employee of an agricultural cooperative organized under the laws of California may sell the agricultural products of one of its members in accordance with the provisions of this article.

...

(s) Partnership. A partnership is a separate entity distinct from its individual members. As a separate entity, a partnership must obtain a certified producer's certificate to market~~,~~ its agricultural products directly to consumers or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users. ~~, its agricultural products, which~~ Such agricultural products shall be produced by practice of the agricultural arts upon land that the partnership, as a separate entity, exclusively controls.

...

(u) Processed Agricultural Products. Processed agricultural products shall be defined as agricultural products that have been altered or prepared by such means as, but not limited to, slicing, juicing, drying, shelling, smoking, freezing or cooking, provided, however, that the seller has produced all of the ingredients contained in the final product. The only exceptions to this production requirement shall be the inclusion of food coloring, pectin, rennin/rennet or ingredients used as preservatives, seasonings, and flavorings.

(v) Preservative. An additive, substance or ingredient(s) added to agricultural products to prevent decomposition due to chemical change or microbial action and/or to protect against decay, discoloration or spoilage. Preservatives include, but are not limited to: sulfites added to dried fruits, dried vegetables or wine; sugar added in the making of jams, jellies and preserves; salt or salt brine solution for curing olives; or vinegar for pickling of products such as, but not limited to, beans, asparagus and cucumbers.

(w) Seasoning. Seasoning shall be defined as salt or spice used in food preparation.

(1) Spice. Spice shall be defined as any of various aromatic plant products used in food preparation. Spices include, but are not limited to the following granulated or powdered salts or spices: chili powder, ~~whole or ground~~ black pepper, ginger, garlic, onion, jalapeno, cinnamon and nutmeg.

(x) Flavoring. A substance, additive or ingredient, which may itself include seasonings or preservatives, that imparts flavor to a food without changing the consistency of or rendering unidentifiable the original product. Flavorings include, but are not limited to: liquid, powder or natural smoke, hickory, vanilla extract, nut oil, and soy sauce.

(y) Food Coloring. For the purposes of this regulation, food coloring shall be defined as a dye or pigment that is added to a product to impart color.

(z) At or Near the Point of Production. For this articles' purposes, "at or near the point of production" means not beyond the first paved county or primary road.

Note: Authority cited: Sections 407, 42681, 42684, 47000, 47001, 47002, 47003 and 47004, Food and Agricultural Code. Reference: Sections 42941, 47000, 47001 and 47003, Food and Agricultural Code.

Amend Section 1392.4. Conditions of Direct Marketing. to read:

(a) Except as provided in subsection (f) below, a producers or certified producers may sell or offer to sell, at a certified farmers' market, a field retail stand, or a farm stand, only agricultural products which they have he or she produced to consumers or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users. at a certified farmers' market. The certified producer's immediate family or employee(s) may also act for and sell the certified producer's agricultural products. No certifiable agricultural products may be sold at a certified farmers' market unless such products are listed on the certified producer's certificate.

(b) All agricultural products, when sold or offered for sale at a certified farmers' market or at a field retail stand or farm stand or near the point of production, shall comply with all applicable requirements of Article 1 (beginning with Section 113700), 2, 3, 4, 5, 6, 7, 11, 13, and 15 of Chapter 4 (California Retail Food Code), Division 104, Part 7, of the California Health and Safety Code, and Chapters 1 (beginning with Section 109875), 2, 4, 5, and 8 (California Sherman Food, Drug, and Cosmetic Law), and Division 104, Part 5, of the California Health and Safety Code.

...

(k) A certified producer, when implementing any exemption to size, standard pack, container, or labeling requirements and selling agricultural products under such exemption(s) to any individual, organization, or entity that intends to subsequently sell the product(s) directly to end users or distributes the product(s) at no cost to end users, shall provide to the purchasing individual, organization, or entity a dated memorandum in accordance with Section 47002(e) of the Food and Agricultural Code. The memorandum must list all of the following:

(i) Identity of the producer;
(ii) Address of the producer;
(iii) Identity of the product purchased;
(iv) Quantity of the product purchased.

(l) A certified producer shall not knowingly fail to provide the memorandum so described and under the circumstances set forth in subsection (k) of this section and shall, under any circumstances, issue a memorandum as described in regard to any sale of a single agricultural commodity in excess of twenty-five pounds net weight to any individual consumer or end user.

(m) A seller of processed agricultural products shall document compliance with the production requirements referenced in Section 1392.24(k) with documents such as but not limited to a health department certificate for the processing facility, written agreement or bill for rent from a certified kitchen, or a written agreement or bill for work accomplished from a person or entity that processed the product. He or she shall have a copy of the documentation in his or her possession at the point of sale, and shall make this documentation available upon request of an enforcing officer. The quantities

of certifiable agricultural product processed and sold shall not exceed the quantities listed on the seller's Certified Producer's Certificate.
Additionally, the included ingredients not of own production, as defined in section 1392.2, other than sugar and water, must be the last items on the label required by the Food and Drug Administration (i.e. where the ingredients are listed in descending order of quantity.)

Note: Authority cited: Sections 407, 42682, 47000, 47001, 47002, 47003, 47004 and 47005, Food and Agricultural Code. Reference: Sections 861, 47000, 47002, 47003, 47004, 47005 and 47022, Food and Agricultural Code.

Add Section 1392.4.1 to read:

§ 1392.4.1. Administrative Civil Penalties for Direct Marketing.

In applying Section 47025 of the California Food and Agricultural Code, the secretary and county agricultural commissioners shall use the provisions of this section to determine the violation class and amount of the penalty.

(a) For the purposes of this section, violation classes are designated as "Serious," "Moderate," and "Minor".

(1) "Serious". Violations which preclude or significantly interfere with enforcement, or those which cause significant false, misleading or deceptive business practices or for any violation which is a repeat of a violation of sub-paragraph (2) that occurred within a two-year period and which resulted in conviction of an infraction or misdemeanor charge or an administrative civil penalty.

(2) "Moderate". Violations which undermine enforcement, or those in which there is a potential for intermediate level of consumer or competitive harm; or for any violation which is a repeat of a violation of sub-paragraph (3) that occurred within a two-year period and which resulted in conviction of an infraction or misdemeanor charge or an administrative civil penalty.

(3) "Minor". Violations that have minimal adverse effect on consumers or equitable competition in the marketplace.

(b) As stated in paragraph (a) repeat violations may result in an escalation of violation class except those found under Table A, Section II. Market Operator Violations, Code Sections 1392.6(d), 1392.6(d), (e), (f), and 1392.6(g). Repeat violations in these areas would remain in the "Minor" violation type.

(c) Table A shall be used to establish the level of severity of a particular violation and the corresponding penalty range for "Serious," "Moderate," and "Minor" violation classes. Except where specific violation parameters are provided, the violation column in Table A is an abbreviated description of the corresponding section in the California

Food and Agricultural Code, Division 17. Fruit, Nut and Vegetable Standards, and Title 3, Article 6.5. Direct Marketing, California Code of Regulations.

Table A

Code Section	Description of Violation	VIOLATION TYPE		
		MINOR Fine Range $50 - $150	MODERATE Fine Range $151 - $400	SERIOUS Fine Range $401-$1000
Section I	**Certified Producer Violations**			
1. FAC 47002	Transport, pack, or sale of nonconforming products, i.e. Minimum Grade Stds., Minimum Maturity Stds., Closed Consumer Cont.(IRQ), Egg Labeling Requirements	2nd NC in 12 months		
2. FAC 47002(e)	Failure to provide to purchaser of product a memorandum/receipt which includes all required information	X		
3. FAC 47022	Failure to conform to the provisions of this chapter or the regulations adopted thereunder	2nd NC in 12 months of same violation		
~~3.~~ 4.FAC 47022.1	Deceptive pack	2nd NC in 12 months		
~~4.~~ 5. FAC 47022.2	Mislabel/Misleading statement	2nd NC in 12 month		
~~5.~~ 6. FAC 47022.3	Falsify documents or make false statements regarding size, maturity, condition, or quality of products offered for sale	-	-	X
~~6.~~ 7. FAC 47022.4	Unlawfully removing warning tag or product held under NC	-	-	X
~~7.~~ 8. FAC 47022.5	Refusing to submit for inspection or stop any vehicle for inspection	-	-	X
~~8.~~ 9. FAC 47022.6	Refusing to allow inspection of property, storage etc.	-	-	X
~~9.~~ 10. FAC 47022.7	Alteration of any documents issued by an enforcing officer			X
~~10.~~ 11. CCR 1392.1(d)	Selling product exempt from size, standard pack, container, and labeling requirements at a certified farmers market without being a certified producer		-	X
~~11.~~ 12. CCR 1392.1(e)	Failure to sell fresh fruits, nuts, and vegetables in compliance with maturity and quality requirements	2nd NC in 12 month		
~~12.~~ 13. CCR 1392.1(f)	Failure to sell agricultural products in compliance with quality and labeling requirements – (excludes fresh fruits, nuts, and vegetables)	2nd NC in 12 month		
~~13.~~ 14. CCR 1392.1(g)	Products sold that are not under exemption must comply with all regulations regarding quality and labeling	2nd NC in 12 month		
~~14.~~ 15. CCR 1392.4(a)	Certified producer selling product(s) not of their own production	-	-	X
~~15.~~ 16. CCR 1392.4(a)	Certified producer selling product(s) which they produced but do not have listed on their certified producer's	2nd NC in 12 month		

	certificate			
~~16.~~ 17. CCR 1392.4(b)	Selling products at a certified farmers market not in compliance with specified California Health and Safety Code Requirements	X		
~~17.~~ 18. CCR 1392.4(c)	Selling nonagricultural products in the certified section of a certified farmers market	-	X	
~~18.~~ 19. CCR 1392.4(d)	Producer not having a valid Certified Producer's Certificate	-	-	X
~~19.~~ 20. CCR 1392.4(d)	Certified producer's embossed certificate not in possession and/or not conspicuously posted	2nd NC in 12 month		
~~20.~~ 21. CCR 1392.4(e)	Failure to use approved scale or sealed scale	-	X	
~~21.~~ 22. CCR 1392.4(f)1	A certified producer representing or being represented by more than two other certified producers in a 12-month period		X	
~~22.~~ 23. CCR 1392.4(f)(2)	Failure to separate and identify, at the point of sale, one's own products from that of another Certified Producer from whom one is selling	2nd NC in 12 month		
~~23.~~ 24. CCR 1392.4(f)(2)	Failure to post Certified Producer Certificate of producer for whom another Certified Producer is selling	2nd NC in 12 month		
~~24.~~ 25. CCR 1392.4(f)(3)	Failure to add name of another certified producer that the producer is selling for to his/her certificate	-	X	
~~25.~~ 26. CCR 1392.4(f)(4)	Failure to have the name of the certified producer who is selling the products of another certified producer appear on the certificate of the person for whom the certified producer is selling	-	X	
~~26.~~ 27. CCR 1392.4(f)(5)	A certified producer offering for sale product for another certified producer in greater volume than the certified producer is offering for sale	2nd NC in 12 month		
~~27.~~ 28. CCR 1392.4(f)(7)	Commission sales / buying and selling between certified producers	-	-	X
~~28.~~ 29. CCR 1392.4(f)(9)	When selling on behalf of another producer, failure to keep required records for a period of three years	X		
~~29.~~ 30. CCR 1392.4(f)(10)	Failure to produce records for inspection upon demand	X		
~~30.~~ 31. CCR 1392.4(h)	Failure to post organic registration and/or documentation of organic certification when representing product as organic	X		
~~31.~~ 32. CCR 1392.4(i)	Failure to post organic registration and/or documentation of organic certification for product of other Certified Producer when selling for another and representing product as organic	X		
~~32.~~ 33. CCR 1392.4(j)	Sale of sprouts with less than 50% having emerged	X		
~~33.~~ 34. CCR 1392.4(k)(l)	Not providing memorandum with required information		X	
~~34.~~ 35. CCR 1392.4(m)	Does not have required documentation on processed products		X	

~~35.~~ 36. CCR 1392.5(c)	Refusing to provide documentation	-	-	X
~~36.~~ 37. CCR 1392.9.2(d)	Failure to report to County Agricultural Commissioner any change in Farm Lease Agreement and/or surrender invalid certificates to CAC	-	X	
Section II.	**Market Operator Violations**	-	-	-
1. CCR 1392.6(d)	Failure to promulgate a set of market rules	X		
2. CCR 1392.6(d),(e),(f)	Market rules must be in compliance.	X		
3. CCR 1392.6(g)	Failure to submit copy of current CFM rules to CDFA and/or the County Agricultural Commissioner	X		
4. CCR 1392.8.1.	Failure to submit remittance with required information	X		
5. CCR 1392.9(a)(1)	Failure to ensure each seller is a Certified Producer, member of immediate family of Certified Producer, or employee of Certified Producer	2nd NC in 12 months	-	-
6. CCR 1392.9(a)(2)	Failure to ensure the producers are selling only certified and non-certifiable products in the area designated as the certified farmers market	X	-	-
7. CCR 1392.9(a)(3)	Failure to ensure the certified producer has in their possession a valid certified producer's certificate	2nd NC in 12 months	-	-
8. CCR 1392.9(a)(3)	Failure to ensure the Certified Producer posts a valid Certified Producer's Certificate	2nd NC in 12 months		
9. CCR 1392.9(a)(4)	Failure to ensure all products for sale by producer are listed on their certificate	2nd NC in 12 months	-	-
10. CCR 1392.9(a)(5)	Failure to ensure the producers are selling only approved non-certifiable ag. products	2nd NC in 12 months	-	-
11. CCR 1392.9(a)(6)	Failure to ensure the producer's products being sold for other producer(s) are separated and identified and all certified producer's names are cross referenced	2nd NC in 12 months	-	-
12. CCR 1392.9(b)	Failure to collect all of the load lists required on any single market day, and/or failure to ensure that each load list contains all required information, and/or failure to keep load lists for 18 months	2nd NC in 12 months	-	-
13. CCR 1392.9(c)	Operation of a CFM without possession of a current, valid CFM Certificate	-		X
14. CCR 1392.9(d)	Failure to present, upon request of officer, a current, valid CFM Certificate for review	X		-
15. CCR 1392.9(e)	Deny right to appeal	X		
16. FAC 47022	**Failure to conform to the provisions of this chapter or the regulations adopted thereunder**	**2nd NC in 12 months of same violation**		
~~16.~~ 17. FAC 47022.3	Falsify documents or false statements to obtain market Certificate	-	-	X

~~17.~~18. FAC 47022.6	Refusing to allow inspection of property	-	-	X
~~18.~~19. FAC 47022.7	Altering any official document issued by enforcing officer	-	-	X

Note: Authority cited: Sections 407 and 47001, Food and Agricultural Code. Reference: Sections 42651, 43003, and 47025, Food and Agricultural Code.

Amend Section 1392.6. Certification Requirements of a Certified Farmers' Market. to read:

...

(b) Application shall be made by the proposed operator(s) of a certified farmers' market and shall include 1) a map that clearly locates and identifies the boundaries of the certified, non-certified and/or non-agricultural product areas of the market, and 2) a signed agreement by the operator(s) to comply with the terms of this article. The application and certificate shall be on a form authorized by the director.

...

(f) The certified farmers' market's rules and regulations shall contain:

(1) ~~a~~ A clause, which states that the governing body and its designated agents shall implement and enforce all rules and regulations pertaining to the operation of a certified farmers' market in a fair and equitable manner.

(g) A current copy of the certified farmers' market's rules and regulations shall be sent to the Department of Food and Agriculture, ~~Fruit and Vegetable Quality Control-Standardization~~ Inspection and Compliance Branch and to the agricultural commissioner of the county in which the certified farmers market is located.

In order to ensure the fair and equitable operation of the market, a provision that provides market participants with the right to appeal the imposition of a fine or suspension or expulsion from a certified farmers' market. While the appeal process may be informal, it must provide market participants with the following:

(1) Notice of the alleged violation by setting forth the factual basis for it as well as the proposed penalty;

(2) A reasonable time period to request an appeal;

(3) If an appeal is requested, an opportunity to dispute the alleged violation and/or the proposed penalty;

(4) A short, written statement of decision.

Note: Authority cited: Sections 14, 407, 42681, 42682, 42684, 47000, 47002, ~~and~~

47003, and 47004, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

Amend 1392.8.1. Certified Farmers' Market Fees. to read:

...
(h) List of each participating producer, a list of products being sold by non-certified producers, certificate number and issuing county of all certificates under which product was presented for sale, and ~~T~~total number of certified producer certificates and other agricultural producers participating on each market day of the entire quarter.
...

Note: Authority cited: Sections 407, 47000, 47001, 47003, 47011 and 47021, Food and Agricultural Code. Reference: Sections 47002, 47003, 47004, 47011 and 47021, Food and Agricultural Code.

Amend Section 1392.9. Direct Marketing, Compliance Requirements for the Operator of a Certified Farmers' Market. to read:

(a) The operator of a certified farmers' market shall ensure that each person participating in the sale of agricultural products in the area designated as a certified farmers' market:

(1) Is a producer, a certified producer, ~~or their~~ a member of the producer's immediate family~~ member,~~ or an employee of the producer.

(2) Sells only certified and noncertifiable agricultural products.

(3) Has in ~~their~~ his or her possession, in the case of certifiable agricultural products, a valid certificate that is posted at the point of sale.

(4) Has each certifiable agricultural product in ~~their~~ his or her possession listed on the certified producer's current, valid certificate.

(5) ~~Who s~~Sells, when selling noncertifiable agricultural products, ~~sells~~ only those products which were produced in accordance with the certified farmers' market's rules and regulations.

(6) ~~Who~~ When ~~represents~~ representing another certified producer under an additional certificate separates and identifies the items listed on each respective certificate, and that the name of the certified producer ~~they are~~ he or she is selling for appears on both of the certificates.

(7) Issues dated memorandums of sale in compliance with subsections 1392.4 (k) and (l).

(b) The operator of a certified farmers' market shall obtain from each person participating in the sale of agricultural products in the area designated as a certified farmers' market an itemized list of all products sold at the certified farmers' market each market day.

(1) The product list shall state the name of the certified producer, the identity of each product sold as it appears on the certified producer's certificate, and the quantity of each product sold at the market, including all processed agricultural products.

(2) The market operator shall keep the list of products sold for a period of not less than eighteen months.

...

(e) The operator of a certified farmers' market shall provide certified farmers' market participants with the right to appeal the imposition of a fine or suspension or expulsion from the market consistent with the requirements of section 1392.6 (g).

Note: Authority cited: Sections 407, 47000, 47002, 47003, 47004 and 47005, Food and Agricultural Code. Reference: Sections 47000, 47002, 47003, 47004, 47005 and 47022, Food and Agricultural Code.

Amend Section 1392.11 to read:

Section 1392.11 Appeals.

...

(e) Denial of the right to an appeal as provided in section 1392.6 (g) by a certified farmers' market or the operator of a certified farmers' market.

...

Note: Authority cited: Sections 14, 407, 42681, 42682, 42684, 47004.1, 58101.5 and 58104, Food and Agricultural Code. Reference: Sections 42941, 58101, 58101.5, 58102, 58103 and 58104, Food and Agricultural Code.