

Chapter 8

Agricultural Fair Trade Act

4-8-1 Short title.

This chapter shall be known and may be cited as the "Agricultural Fair Trade Act."

Enacted by Chapter 2, 1979 General Session

4-8-2 Purpose declaration.

The Legislature finds and declares that in order to preserve the agricultural industry of this state it is necessary to protect and improve the economic status of persons engaged in the production of products of agriculture. To effectuate this policy, the Legislature determines it necessary to regulate the production and marketing of such products and to prohibit unfair and injurious trade practices. To that end this chapter shall be liberally construed.

Enacted by Chapter 2, 1979 General Session

4-8-3 Definition.

As used in this chapter, "products of agriculture" mean any product useful to the human species which results from the application of the science and art of the production of plants and animals.

Enacted by Chapter 2, 1979 General Session

4-8-4 Department functions, powers, and duties.

The department has and shall exercise the following functions, powers, and duties, in addition to those specified in Chapter 1, Short Title and General Provisions:

- (1) general supervision over the marketing, sale, trade, advertising, storage, and transportation practices, used in buying and selling products of agriculture in Utah;
- (2) conduct and publish surveys and statistical analyses with its own resources or with the resources of others through contract, regarding the cost of production for products of agriculture, including transportation, processing, storage, advertising, and marketing costs; regarding market locations, demands, and prices for such products; and regarding market forecasts;
- (3) assist and encourage producers of products of agriculture in controlling current and prospective production and market deliveries in order to stabilize product prices at prices which assure reasonable profits for producers and at the same time ensure adequate market supplies; and
- (4) actively solicit input from the public and from interested groups or associations, through public hearings or otherwise, to assist in making fair determinations with respect to the production, marketing, and consumption of products of agriculture.

Amended by Chapter 324, 2010 General Session

4-8-5 Unlawful acts specified.

It is unlawful for any person engaged in the production, processing, handling, marketing, sale or distribution of products of agriculture to:

- (1) discriminate in price between two or more producers with respect to products of agriculture of like grade and quality;

- (2) use any brand, label, container, or designation on products of agriculture not authorized by the department;
- (3) promote or advertise the price of any product of agriculture which is required to be graded without displaying the grade of such product with prominence equal to that of the price; or
- (4) make or permit the use of any false or misleading statement on any label or stencil affixed to a container or package containing products of agriculture or in any promotion or advertisement of such products.

Enacted by Chapter 2, 1979 General Session

4-8-6 Procedure for enforcement -- Notice of agency action -- Cease and desist order -- Enforcement -- Judicial review.

- (1)
 - (a) Whenever the department has reason to believe that a person has, or is engaged in, the violation of this chapter, it shall issue a notice of agency action.
 - (b) If the commissioner, or a hearing officer designated by the commissioner, determines by a preponderance of the evidence that any person named in the complaint has engaged, or is engaging, in an act that violates this chapter, the officer shall:
 - (i) prepare written findings of fact; and
 - (ii) issue an order requiring the person to cease and desist from the illegal activity.
- (2) The department may petition any court of competent jurisdiction for enforcement of its cease and desist order.
- (3) Any person who is subject to a cease and desist order may obtain judicial review.
- (4) The attorney general's office shall represent the department in any original action or appeal begun under this section.

Amended by Chapter 161, 1987 General Session

4-8-7 Defense to claim of illegal activity.

No person who acts in compliance with any rule adopted under authority of this chapter shall be considered to be engaged in any illegal conspiracy or combination in restraint of trade or to be acting in furtherance of any illegal purpose.

Amended by Chapter 179, 2007 General Session