



TEXAS A&M  
**AGRICULTURE**

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The Texas A&M University System

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Revised Nov 13, 2006 to General Industry Memorandum

**GENERAL INDUSTRY MEMORANDUM NO. 5-22**

**VISITS TO FAIRS, CONVENTIONS, PRODUCT SHOWS, AND TRADE OR RETAIL EXHIBITIONS**

**OBJECTIVE:**

To provide instructions for inspecting feeds and fertilizers at fairs, conventions and product shows.

**INTRODUCTION:**

Many goods offered by unlicensed or un-permitted firms are distributed by either mail order or direct sales. The manufacturer or distributor often initiates contact and sells through booths and advertising at state or local shows, county fairs, as well as national conventions and trade shows. Since many of the products are not readily available, through retail or wholesale outlets, where products are routinely inspected, the Office reviews trade and grower journals and hobbyist magazines for dates, times, and locations of the shows and fairs. We are also informed of the shows (and even specific exhibits) by competitors who expect and deserve a "level playing field".

**POLICY:**

It is the policy of the Office of the Texas State Chemist to visit trade shows to ensure compliance of the feed and fertilizer industry in keeping with the Feed Control Act, Fertilizer Control Act and OTSC strategic plan. Authorization for these actions are found in the Commercial Feed Act §141.101 and the Commercial Fertilizer Act §63.091.

It is an offense to refuse, conspire to refuse, or cause another person to refuse entry per the Commercial Feed Act §141.144 and the Commercial Fertilizer Act §63.145.

**SOP:**

The Office will notify the investigator/s of an upcoming show. If the Office has not assigned the show and the investigator/s learn of it through normal media (newspapers, magazines, television etc.), the investigator/s are to contact their supervisor for authorization to attend. The investigator/s are

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expected to be present beginning at the regular opening time for the trade area. Generally there is a time set aside for booth visits. The investigator/s should make their visit to the displays as early as possible during this time.

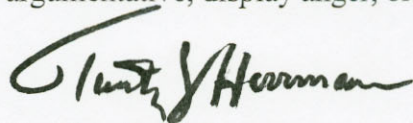
The investigator is to approach the registration desk and ask to speak with the trade show manager or the person responsible for the operation of the trade show, introduce him or herself, display his/her credentials, and present his/her business card. He/she is to describe the nature of his/her visit and furnish the manager with a copy of the Commercial Feed and/or Commercial Fertilizer Acts and the letter of authorization (copy attached to this policy guide.)

If the investigator/s are refused entry, they are to immediately call the Office to receive instructions regarding the appropriate action to pursue. Prior to initiating the call the investigator/s should secure the names, titles, and addresses of all persons involved in the refusal. *NOTE: Make sure to include in your written report of the show the name, title, and address of the show manager or other persons permitting or denying your entrance to the show.*

The investigator is conducting **official business**; thus, your entrance is based on your credentials and the Laws. The investigator is not to pay any entrance or registration fees and must not participate in social activities or drawings. A copy of the show agenda, registration form, outline of booths, list of exhibitors and other information relative to the organization should be collected, if available.

Visits to exhibitors' booths are to be made in a business-like manner. The investigator/s must identify themselves with their credentials and present their business card before talking with personnel at the booth. The investigator/s must check product labels and brochures, determine if the products are registered for sale in the State of Texas, and take documentary samples (may include labels and/or brochures) of any unregistered products. The investigator/s should collect copies of any brochures or labels as necessary. These visits should not be burdensome to the exhibitor. If necessary, point out that OTSC has a responsibility to legitimate exhibitors and manufacturers to maintain surveillance on all feed and fertilizer products.

There must be contact with the Office while an investigator is at the show. There may be a need to remove products from display or distribution. If this is required, the investigator/s will be provided direction from this Office. The investigator/s should be cordial, polite, firm and, above all, discreet; the Office is neither interested in embarrassing people nor in making our actions noticeable. Do not be argumentative, display anger, or frustration.



Dr. Timothy J. Herrman  
State Chemist & Director  
Office of the Texas State Chemist



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November 13, 2006

Gentlemen/Ladies:

This is to introduce an investigator for the Office of the Texas State Chemist. As you can see by his/her credentials, the investigator is authorized to act as my agent. The investigator will visit various exhibits in your trade show or convention and determine compliance with the Texas Commercial Feed Control or Commercial Fertilizer Control Acts, copies of which have been furnished to you.

As my agent, the investigator is authorized by the Commercial Feed Act (§141.101) and Commercial Fertilizer Act (§63.091) to:

“...enter during regular business hours and inspect any place of business, mill, plant, building, or vehicle, and to open any bin, vat, or parcel, that is used in the manufacture, transportation, importation, sale, or storage of a commercial feed (fertilizer)...”

It is important to note in §141.144 and §63.145 that it is an offense to:

“...refuse, conspire to refuse or cause another person to refuse to permit entry...”

The purpose of this visit is to determine that your exhibitors and their products are properly registered for distribution (defined as “sell, offer for sale, barter, exchange or otherwise supply”) in Texas. The investigator will visit the affected exhibits individually, introduce himself and as unobtrusively as possible review the literature, brochures and labels of feed and fertilizer products to determine their compliance with the above-mentioned laws. Should he/she be required to ask exhibitors to withdraw unregistered products, he/she will do so in a discreet manner; the Office has no wish to interfere with legitimate business.

Thank you.

Dr. Timothy J. Herrman  
State Chemist & Director  
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