

Defining and Marketing ‘Local’ Foods: Geographical Indications for U.S. Products

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Abstract

What are local foods? If you do not know your local producer, then how can you know whether the product you are purchasing is local? These questions are at the heart of an emerging debate in the U.S. about authenticity and the value of local eating. From the menus of its elite restaurants, to urban farmer markets, to the procurement strategy of its largest corporation, ‘local’ is fast becoming an important food category in the U.S. Several distinct forces drive its popularity and yet, in the absence of certain credence attributes to assure what indeed is local, its future is uncertain.

This paper explores what defines ‘local’ and how the term is protected in trade. It suggests that Intellectual Property protection is underdeveloped to foster local food product designations. Cases in the U.S. illustrate that some mechanisms do exist to ensure the specific provenance of a food but that these present some notable challenges for both producers and consumers. Improving approaches to Geographical Indications in the US, perhaps learning from the *sui generis* systems in other countries, could further the development, protection, and success of local products.

Keywords Geographical Indications, small producer; sustainable culture; public good; food miles

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Losing Local

For the first time in human history, the 19th and 20th centuries brought about a nearly unimaginable revolution in our personal relationship to food. Until then nearly all of our daily consumption was sourced in the immediate or known region in which we lived. Nearly everything was local. Exotic foods such as coffee, tea, and spices were just that: exotic. They were not part of the average person's daily consumption and were often expensive. The great majority of the foods the world consumed were sourced locally.

The immediate community was in touch with the condition of their foods through direct contact with the producers, and quality was relatively easily evaluated. Beyond basic techniques such as dehydrating, salting or smoking, very few foods were processed or packaged prior to that. Fruits and vegetables and even fish, small livestock¹, and dairy products typically traveled less than a day to the market.² Many foods followed the rules of local seasonality. Produce in particular was only available during limited times of the year.

Modern trade has overturned this seasonal relationship to food. At the physical level, the advent of faster, cheaper, and more frequent transport along with improved storage—where cold chains, chemical treatments, and improved packaging dramatically improved shelf life— enabled increased trade with far-flung destinations. At the psycho-social level, more diverse communication with other cultures accompanied greater global emigration flows that transplanted traditional products and recipes and facilitated a new type of demand for distant products. (Weaver, 1997) Pirog *et al.* (2001 and 2003) calculate that U.S. fresh produce travels about 1,500 miles, on average, via processing and packaging or distribution centers before reaching a consumer in the Midwest region of the US. That is a 25% increase from 1980. Weber and Matthews (2008), calculating more generally, came up with 1,020 miles for US food transportation and 4,200 miles (6,760 kilometers) for its life-cycle supply chain. In either case, the number is large and tells us that much of what is consumed in the U.S. clearly is no longer local.

These factors combined to create a need for better identification of food quality (and safety) and so stimulated the use of brands as signals of reputation or quality and an era of growth in the registry of patents and trademarks. Until the latter part of the 19th century, manufactured foods were few and, since most food was prepared, either at home or in eateries, from fresh and preserved ingredients, there was little need for intellectual property protection. The widespread application of effective low-cost processing and preservation technologies (mostly canning, ice, and chemical preservatives) ushered in foods that were no longer tied to a place and were increasingly marketed in distant places and as 'modern' alternatives.

These were increasingly distinguished by brand names that registered the property of its owner in accordance with fast evolving intellectual property laws. Some of these involved a specific geographical location. In 1880 a New York firm began producing its trademarked "Philadelphia Brand" Cream Cheese and in 1892 the trademark for Lea & Perrins Worcestershire Sauce was registered in the US, not in the shire of Worcester (Worcestershire, England). That era saw many advances in the use of brands with the accompaniment of trademark protection. In 1868 the

McIlhenny Company of Louisiana began selling and later trademarked a very popular Tabasco brand of pepper sauce using the name of a Mexican state and a variety of pepper (*Capsicum frutescens var. tabasco*). The now famous Oscar F. Mayer began to establish its brand in the 1880s, national icon Maxwell House brand coffee launched in 1892, and in 1903 James Kraft started his eponymous cheese business in Chicago that has grown into one of the world's largest food companies.

Trademarks and brands grew as food shoppers' cognizance of local producers declined and shoppers became more dependent on packaged and branded foods as a means of conveying trust. But these were sometimes insufficient to instill consumer confidence and the increased public concern for safety led to the first effective national food regulations in 1906: the Federal Food and Drugs Act and the Meat Inspection Act. Increased safety, or at least the perception of safer foods, combined with ever greater convenience and shelf-life to fuel novel and increasingly popular combinations of food and chemistry throughout the 20th century.³ It was the era of processed foods.

Then, in the last decades of the century, a new era of improved transport and trade had also ushered in year-round supplies of once-seasonal fresh produce. U.S. table grape consumption almost doubled in two decades as Chilean grapes complemented the increased availability of California grapes shipping for 5-6 months of the year. (Pirog, 2000) The appeal of the 'new' drove a broad expansion in the food tastes of the U.S. and filled its domestic markets with a new abundance of diverse global options. Simultaneously, the seeds of interest in local foods also began to germinate as Americans were becoming nationally acquainted with more of their own regional foods and a number of localized traditions also began to emerge from their regional sources to acquire greater acceptance and space on market shelves nationwide. Accordingly: Cajun and Soul Food emerged from the southern states; seafood, especially clams and lobster, from New England cuisine; Chesapeake's crabs from Mid-Atlantic fare; and cheeses and other dairy products associated with the upper Midwest. (Smith, 1997)

Friedmann (1993) identified the ability to achieve greater transportation distance and durability as the key objectives of our industrialized agrifood systems. While those objectives have some merit—especially in light of evidence from one source that 85 percent of the food in many US supermarkets comes from other states or even other countries (Union of Concerned Scientists, 2004)—they have sometimes been achieved to the detriment of other principles that many consumers also value such as natural flavor, freshness, and nutrition. One example of lost quality is strawberries (*Fragaria spp*) for which molecular biologists have shown that the commonly cultivated varieties, the seeds for which are the property of only a very few multinational seed companies, have lost certain fruit flavor components and aroma compounds when compared to older and wild varieties. (Aharoni *et al.* 2004)

For some, the Flavr-Savr™ tomato⁴ represented the apex of our ability to legally register a food as intellectual property with a complex series of patents and trademarks and to modify food so much as to be free of the constraints of locality (Martineau, 2001) while for others with concerns about the ramifications of such modification, it was more the apogee of a movement away from contact with the source of our food (Pollan, 1998). An important reason, among several, for the

demise of the famed Flavr-Savr[®] tomato - genetically modified to be firm and durable - was its poor flavor (Martineau, 2001) and a texture that some claimed resembled that of styrofoam.⁵

Indeed, some have suggested that the result of our technical advances is more insidious than a loss of diversity and rich flavors. Berry (1988) points out that "a vast amnesia" occurs as local food systems decay, and so do local economies and communities. And the U.S. Department of Agriculture (USDA) cites that the number of total farms has already declined from about 7 million in the 1930's to only about a half million that are still family farms by the turn of this past century. As a result, we lose valuable local knowledge and local culture.

As the 20th century closed, some began to voice that perhaps this vast choice and the plethora of processed foods came with some distinctly negative aspects. A new 'California cuisine' began to emerge as a paean to freshness, minimal processing, and good health; an early backlash against the homogeneity resulting from industrialized food processing methods and fast food. One drawback to the cost-effective homogeneity was that many varieties of fresh local produce had disappeared. They were replaced with those that could be grown cheaply and withstand both transport and long storage. Data from Iowa State University indicate that in the 1920s there were 34 different crop and livestock enterprises (i.e. corn, cattle, pigs, beans, etc.) on at least 1 percent of all Iowa farms. By the 1997 Ag Census there were only 9 distinct crop and livestock enterprises on at least 1 percent of Iowa farms. Fully 50 percent of the farms now have only corn and soybeans. Other states, particularly in the Midwest, show similar trends. One source cites an even more alarming loss of diversity with 93% of the variety of food products disappearing in the last century.⁶ In the process of embracing the new and the technically efficient, certain valuable characteristics of our food systems have been lost.

And so it may appear ironic that among the very factors that facilitated delocalization, including trade, technology, brands and trademarks, there are opportunities to recover a viable local food economy. Trade itself is not the problem. Opening up to new products and the output of far-off cultures can certainly be positive. But the answer to local does not lie in our trade regime which often does not convey a specific place of origin. Nor is technology a problem as it can offer more efficient production of certain foods to permit lower costs and broader distribution. But technology may offer little to re-create a local economy unless it is consciously directed toward that end. Our models of conventional agriculture are based on bio-chemistry and economics and driven by the twin goals of productivity and efficiency and thus "the belief that the primary objective of farming should be to produce as much food as possible for the least cost". (Lyson, 2000) But the unconsidered and unbridled industrialization and 'commodification' of food systems, particularly when this subsumes the values of local products, may well be the cause of other problems that we are just beginning to understand.

Peter Forbes (1999, p. 27) sums up the question at the core of many discussions about 'local': "how can 'sense of place' be maintained in our technological age with its forces toward growth, transience, and community fracture?" If the use of intellectual property mechanisms such as patents and trademarks helped to facilitate the globalization of the food industry and its divorce from a strictly local context, can intellectual property mechanisms also serve to develop and protect a new conceptualization of the local?

In fact, intellectual property mechanisms may be one of the most potent ways to foster local because for local to thrive, it must be properly identified and credibly conveyed to consumers. This can not be achieved by voluntary standards or labeling because of the intrinsic inability to ensure credibility and trust as products move through complex and distant distribution and marketing channels. Such voluntary labeling agreements have not worked in the well-organized cosmetics and bodycare industry. For example, the word “organic”, that is tightly regulated by the US Government for foods, is nevertheless widely used for cosmetics and bodycare products in a manner that one large consumer association publicly claims is fraudulent because they use synthetic ingredients that most consumers would not expect in an organic product.⁷ Without clear rules, the transaction costs for consumers to make informed buying decisions could rise significantly. (Landes and Posner, 1988) In the context of the modern food system, distinguishing ‘local’ requires an official means of recognizing and monitoring the use of accurate geographic descriptors for the origins of such products. Consumers may not know their neighboring farmer personally but they can at least have some assurance of whether their food is indeed locally grown, in the sense of being linked to particular places, by the creative use of intellectual property or related laws to foster a reliable system of Geographical Indications (GI)

Such systems are not new. They operate in a number of places and they thrive because they offer value to both consumers and producers. The discussion of local is now being enriched by tangible research. A recent literature review of nearly 200 international published studies on Geographical Indications —often a reasonable proxy for local— found that many origins have had considerable success as measured by difference in revenue and employment for recognized GIs when compared to similar products in those regions. (Giovannucci *et al.* 2009) In the US, the "new local" already enjoys considerable economic success. A 2007 report (Porjes) estimates that fresh foods identified as ‘local’ have grown from US\$4 billion in 2002 to US\$5 billion in 2007 and are estimated to reach US\$7 billion by 2011.

A New Local

In the latter part of the 20th century, some individual local produce sources became more prominently associated with a particular place. These included widely-marketed products such as: Idaho potatoes, Vidalia onions, Florida oranges, and Maine blueberries, Washington apples, Georgia peaches, and Jersey tomatoes. With the support of state agencies, considerable marketing, and some intellectual property protection, typically but not exclusively in the form of certification marks, some of these local products have secured their position in the market. In the US trademark law, certification marks are used by legal persons to certify “regional or other origin, material, mode of manufacture, quality, accuracy, or other characteristic of such person’s goods or services”.⁸

The US federal trademark law does not preclude states from developing their own regimes to protect geographic indications.⁹ The 1949 Florida Citrus Code was one of the earliest of these. Other well known marks with state support include Georgia’s Vidalia Onion Act (1986) and various regulatory actions on behalf of the Idaho Potato Commission that was founded in 1937. (Snyder, 2008) However, most states have elected to pursue generalized marketing campaigns for state produce rather than more targeted development that includes certification mark protection for GIs under the 1946 Lanham Act.

Increased consumer interest in more specifically local foods has stirred new levels of awareness and yet finding and consuming authentically local produce is not necessarily easy in the absence of established rules for identifying them. (Trubeck, 2008; Smith and Mackinnon, 2007) This new local is becoming even more differentiated in recent years as individual producers and micro-climates establish themselves with local and regional consumers. In some cases it may be less about a specific product's flavor or uniqueness and more about the fact that it is local.

The new local, however, is not only about food quality or economics or culture. It is also a political act, one that has drawn many followers and even spawned a new term: "locavores".¹⁰ For locavores it is vital to understand the implications of participating in an increasingly globalized food system where, as Wendell Berry famously noted, "eating is an agricultural act". Yet most U.S. consumers only remotely relate to the realities of agriculture. When those agricultural processes are located elsewhere, it is difficult to recognize their true impact and to make informed choices. Lyson and Green (1999) refer to a blending of agriculture and a consciousness about its community impact, as "Civic Agriculture".

There are many reasons why a renewed concept of "local" has emerged, these include: desire for freshness; support for the local economy and traditions, reduced transportation and processing affecting climate change¹¹, lower cost, a relationship with farmers; food safety; improved nutrition; better flavor; and a backlash against feelings of alienation and disconnection from the land.

In addition to evidence of farmers increasing participation with consumers in most regions, especially as evidenced by the increase of both farmers markets (USDA, 2008) and Community Supported Agriculture (CSA) operations (Robyn Van En Center, 2008) there are three distinct yet interrelated drivers currently pushing "local" forward: consumers, chefs, and some food businesses.

1. Consumers driving

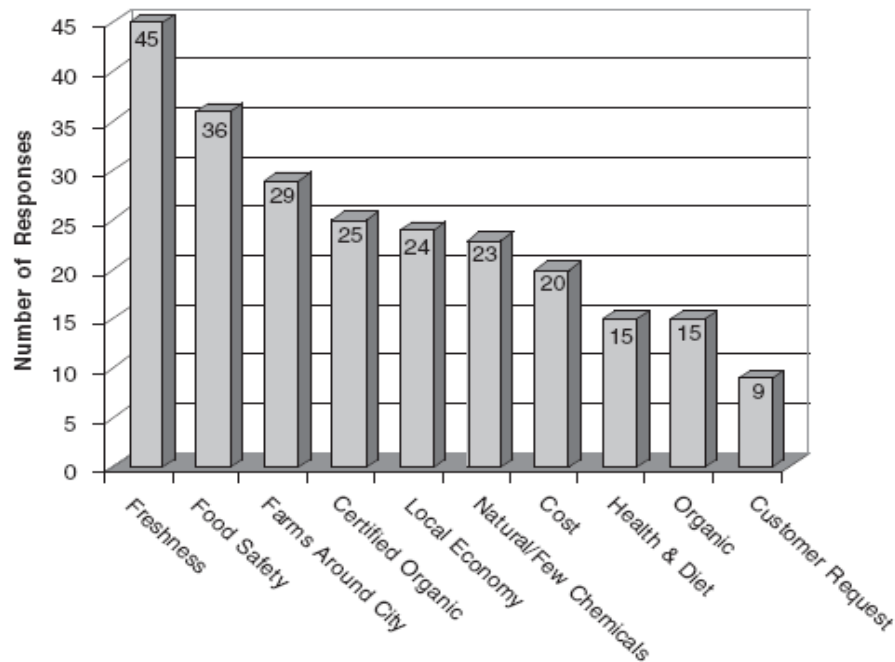
In a 2005 U.S. consumer survey, 72 percent of respondents believed that geographic characteristics such as soils influence the taste and quality of foods and 56 percent were willing to pay 10 to 30 percent more for local grown (in their state). (DeCarlo, Pirog and Franck, 2005) A national survey in mid-2008 reports that nearly nine out of ten Americans (89 percent) would like to see food stores sell more fruits and vegetables that come from local farms, and over two-thirds (69 percent) said they would pay slightly more for such produce. (Deloitte, 2008) Another consumer study notes in the Midwest that local food freshness was a high priority for consumers who were greatly influenced by local food labels with tag lines noting the travel time from the farm to the shop. (Pirog, 2004) A survey of 477 Ohio consumers reported in the American Journal of Agricultural Economics notes that they were willing to pay at least 30% more for local produce and that the local origin was more important than freshness or farm size. (Darby *et al.* 2008) Of course, results of such surveys on willingness to pay may not necessarily translate to actually paying at the market but other trends support these findings.

Consumption trends indicate increasing consumer concern with the less tangible aspect of our agri-food systems as measured by the persistent double-digit growth of standards that certify the social and ecological aspects of these systems (Giovannucci, 2008). Surveys indicate considerable discontent with the outcomes of modern agriculture. (Marigny Research, 2007; Taylor, 2001; Berkowitz et al. 2000) Barham, Lind and Jett (2005) cite a number of studies noting this discontent and the notable rise in demand for local food as part of “the promise and difficulty of reorienting the values embedded in our current food system” (2005, p. 143).

2. Chefs driving

Chefs and the influence of their restaurants and cookbooks have become powerful change agents in US society. A number of initiatives, such as the Chef’s Collaborative, have emerged as leading chefs explore the pros and cons of local sourcing. The Missouri Regional Cuisines Project is one such effort that links food products more closely to the unique characteristics of eco-regions and producers by catalyzing chefs to understand and use them. Figure 1 indicates the rationale offered for local sourcing and notes a number of less readily measurable factors such as freshness, food safety, and “the local economy”.

Figure 1. Most important reasons chefs report for buying local food products



Source: Barham, Lind, and Jett 2005

There are also some interesting economic indications in this regard. Another survey of restaurant chefs and foodservice managers in Iowa showed that the time spent sourcing local products as well as their actual delivery time were somewhat longer when compared to conventional national sources. (Sharma, 2007) The actual food costs from national sources were however higher by 13% on average than for local foods. Sharma’s surveys also showed 41 percent of the restaurant patrons willing to pay a premium for local food offered on the menu while about 45 percent were unwilling.

3. Firms driving

For several reasons firms too are moving in this direction and even include Wal-Mart, the global giant whose forte has been at the other end of the spectrum: the adroit management of global supply chains. It has introduced a "locally grown" section of its web site and claimed that it would source considerably more locally-produced food this year, including more local fruits and vegetables.¹² Tesco, the UK's leading food retailer recently launched carbon labels on selected products to encourage local choices. These food giants join a growing number of well-known firms that have pioneered local sourcing such as Whole Foods Markets, Ben & Jerry's ice cream company, and the Chipotle restaurant chain. They are responding to a market demand for local that includes freshness and quality. For example, a new Packaged Facts study notes that high-quality produce and meats are among the top three reasons consumers choose a food shop, and in 2006 nearly half of shoppers changed supermarkets, mostly to find better produce. (Porjes, 2007)

This local agenda is new for many firms. It can, of course, serve to bolster their public image with environmentally conscious consumers but may also have direct economic benefits in terms of reduced transportation and warehousing costs. Reducing centralized procurement may increase transaction costs but it could potentially speed deliveries and may also make it easier to control food safety problems before they spread chain wide. Excell Lafayette, Wal-Mart's supplier development director, also notes that local suppliers often have an advantage with their more intimate understanding of local needs and preferences that may differ from national trends (Norton, 2008). Yet it is not easy for smaller local firms to do business with large retailers. Many local suppliers do not have the capital or volume to keep up; nor can they easily comply with many prerequisites such as a UPC code for products, business insurance policies, and a registration with Dun & Bradstreet for buyers to ascertain their financial stability. (Norton, 2008) Unless they are part of a co-op or organized supply network, most small producers cannot effectively participate with large retailers.

While consumers, chefs, and firms are the three main drivers, there is no shortage of others. The push toward local is occurring among farmers, non-governmental organizations (NGOs), governments, and even churches. In Maine, for example, some churches are starting CSAs to encourage community.¹³ Government too, at many levels, has been encouraging the concept with a number of programs (see below).

Assuring the Credibility of Local

Several treaties¹⁴ generally address the issue of insuring consumer protection against a fraudulent indication of geographic source in international trade (Evans, 2006), but have limited impact in domestic markets. It is pertinent to note that after years of delayed implementation, the U.S. Country of Origin Labeling (COOL) law has come into force, effective on September 30, 2008. Three pieces of legislation¹⁵ serve to amend the Agricultural Marketing Act of 1946 (Act) to now require retailers to notify their customers of the country of origin for specific commodities.¹⁶ Its proponents cite the promotion of U.S. and local agricultural products and also consumers' desire to make informed decisions as the main reasons favoring implementation of COOL. It remains to

be seen however, if COOL will increase revenues for local producers or whether it will simply result in increased costs.

Other regulations can have an impact on local products. For example, federal truth-in-advertising or truth-in-labeling laws can apply to origin designations. In the US, to ensure consumers get what they are paying for and to protect local origins against fraud, there are both legal and less formal methods available, each with its own pros and cons.

Defining local

A primary challenge is the lack of a widely accepted single definition for "local". Though local, for the purposes of this discussion is tied to a particular food product, it can have many variations. Some perceive local primarily as a community. (Berry, 1977) Some perceive it primarily as an eco-region or bioregion featuring distinct characteristics of people and place. (Barham, Lind and Jett, 2005) Others consider it to be defined by the political distinctions of state lines or even a region such as the Midwest or New England. (Wal-Mart, 2008; Pirog, 2003). Still others offer a radial distance, such as 100 miles (Smith and Mackinnon, 2007) or 30 miles (Winterton, 2008), as their definition of local. One study suggests that consumers have a concept of local that is closer to home (between 25 and 100 miles) than that of retailers who are more likely to consider local as "grown in my state" or in the region (Pirog, 2003) while another suggests that local is 250 miles or no more than a day's drive away (Porjes, 2007). One of the more recent surveys (Pirog and Rasmussen, 2008), found that more than two-thirds of U.S. respondents perceived that local food traveled 100 miles or less, while only a third viewed local as "grown in their state or region."

1. Geographical Indications

In much of the world, the idea of local, particularly when related to a particular place-product combination, is often referred as a Geographical Indication (GI). A GI presents a basis for legal intellectual property (IP) protection related to that product-origin. The Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) defines GIs as those that, "identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin" (Article 22). Giovannucci *et al.* (2009) suggest adding further to that definition that "the characteristic of the good is essentially attributable" not necessarily only to its geographical origin but also to "the human or natural factors there".

GIs are recognized for their ability to foster market-based support for local traditions and cultures. (Ranaboldo and Fonte, 2007) IP tools such as GIs are not always easily placed in the service of cultural diversity and there can be fundamental discords between the formal legal structure of IP protection and the wide-reaching and amorphous aspects of culture. (Ranaboldo and Schejtman, 2008; Broude, 2007) They can nevertheless provide an excellent framework for broad-based and equitable rural development at the regional level, when well structured and managed. (Giovannucci *et al.* 2009) Viable GIs can serve to build a legally-protected brand and a reputation in the marketplace. (Cotton and Morfesi, 2007) But as a World Bank report notes,

passing IP legislation is often easier than its implementation, as IP regimes can be quite complex to administer. (Lesser, Lele, Horstkotte-Wessler and Byerlee, 2000)

Many countries protect geographic indications as a form of IP yet do so in different ways. As Evans (2006, p.345) notes, it is not "a debate about principle but rather of degree". The European concept of enjoying and supporting local foods and beverages has a long and robust tradition and is codified in the European Communities' (EC) laws and labeling of Geographical Indications (GIs) to ensure that consumers can distinguish such products. As the concept of 'local' sourcing becomes more important to consumers in the US, some distinct mechanisms exist to somewhat ensure them of the specific provenance of their food but these present some notable challenges for both producers and consumers.

One of the challenges faced in the US is that no one is quite sure which or even how many products are actually protected as GIs. The United States Patent and Trademark Office (USPTO) that confers such rights, does not track this information. One reason is that they track forms of protection, i.e. certification marks, but cannot distinguish whether these have a geographic component since place names need not necessarily denote origin. O'Connor and Company (2007) offer one of the better estimates suggesting approximately 950 products in 2006, 700 of which are wines and spirits.¹⁷ By contrast, the twenty-seven countries of the European Union have approximately 5,250, of which about 4,500 are wines and spirits.

When formal, a GI may be protected under trademark law in the form of a trademark, certification mark, or collective mark (herein referred to jointly as marks). Though it is increasingly open to the use of trademarks that are not generic names for the relevant goods i.e. New York (Name of Product), the USPTO suggests that only certification marks may be geographically descriptive and therefore are usually the most appropriate form of GI protection. (Cotton and Morfesi, 2007) In other nations, trademark systems also exist but a considerable number have also developed systems specifically designed for GIs. More than a hundred nations recognize GIs as a unique expression of local agro-ecological and even cultural characteristics and use such *sui generis* systems for Denominations of Origin as legal signals of a certain provenance and local tradition. (Giovannucci *et al.* 2009) In these cases, GI protection may stand alongside other IP rights without being incorporated in them.

Trademarks and GIs are complementary but distinct. Trademarks are the exclusive right of an owner or producer and distinguish the products of one from those of another. They are distinctive rather than descriptive and they may usually be produced anywhere. GIs are the shared right of all the producers of a given product that are located in the specific geographical area. They identify products with a certain quality and reputation associated with their geographical origin.

Using the trademark system to protect intellectual property is a comfortable and familiar approach for U.S. business. This trademark regimen is firmly grounded in US legal and economic theory that is oriented primarily toward individual and exclusive ownership of assets including brands, business names, and other identifiers. These have included geographic trademarks that are granted where the product or service has intrinsically little or nothing to do with the geographic location such as New York Life Insurance Co. or Boston Markets fast food chain. Yet, the protection of designations for local terms that would permit clarity about a unique

product-people-place value proposition is much less developed. The somewhat "public good" nature of GIs as a shared asset may be culturally less familiar (Barham, 2003) even though there are certainly some experiences in the US, primarily with the use of certification marks such as Idaho Potatoes or Vidalia Onions.

For geographic terms, trademarks, certification marks, and collective marks can give exclusivity to those who have exclusively used or commercialized the geographic term as a source identifier and have acquired some distinctiveness. (Cotton, 2008) Purely descriptive geographic terms that merely indicate the locus of production, without other identifying characteristics, would not serve to adequately identify a legitimate producer and thus could not be protected by trademarks without an acquired distinctiveness through "secondary meaning", such a requirement means that consumers must associate the mark with "a single commercial source".¹⁸ Trademarks may be granted to any legal entities including firms or governments in the case of a trademark or to cooperatives or associations in the case of collective marks.

Products or services noting indications of geographical origin may be registered as collective marks. These indicate membership in a collective whose products or services emanate from a specific geographic region. Like a trademark and unlike a certification mark, the owner of a collective mark can not only use the mark to advertise or promote its members' goods, but can also use its mark to produce and sell its own goods.¹⁹

For geographic terms, certification marks do not necessarily require an acquired distinctiveness or prior commercialization of the geographic term as a source identifier making them somewhat more adaptable to the potential situations of under-developed origins.²⁰ The issue in determining whether a designation is registrable as a regional certification mark is whether the public understands that goods bearing the mark come only from the region named in the mark, not whether the public is expressly aware of the certification function of the mark *per se*.²¹ In most other ways, certification marks operate by the same rules and have similar benefits as trademarks such as protection from confusingly similar marks or facing the risk of becoming generic if not adequately protected by their owner.

However, U.S. certification marks have several distinguishing characteristics. They cannot be sold or traded like trademarks. They are designed to be used by entities other than the owner who can not discriminately refuse to certify goods that meet the standards for certification. The Woolmark label offers an example of a certification mark which its owner licenses to others but does not make use of it. Certification marks can certify both the geographic origin and also a measure of quality, if established in the application. A geographic place name can therefore remain in the public domain though its association with a particular product is protected. Certification marks only certify specific goods and so are unlike a trademark that can attach to any product as desired. Another example would be a certification mark for a particular regional fruit product that cannot then also be used as a mark to distinguish and sell T-shirts.

Difficulties arise in several areas. First, a producer group cannot also be the certification mark owner if the group intends to use the mark; therefore requiring a separate legal entity to take on one or another of the functions. Second, like trademarks, certification marks require that the owner or user exercise control of the mark or they risk losing it. This effectively means policing misuse of the mark and then paying for all enforcement and other protection efforts to prevent it.

This has the benefit of being potentially more expeditious than the actions of a public body but can also incur very considerable costs. The owner of a certification mark must therefore be responsible to monitor similar or confusing uses (for example, “Kona Cafe” or “Fresh Florida Citrus Shampoo”). This can require the services of a watchdog organization and some marks spend hundreds of thousands of dollars each year for monitoring and enforcement. (Giovannucci *et al.* 2009; Rangnekar 2009; Schroeder and Guevara 2009).

For small groups that have modest commercial success or modest resources, it may be difficult to actually achieve protection. Part of the Missouri Regional Cuisines Project, formed a non-profit association to govern their region’s efforts and one of the association’s initial concerns is how to effectively protect their new logo identity through the trademark system. Even entities with resources can have enforcement difficulties. For example, the well-known Kona Coffee mark, despite being controlled by a State Department of Agriculture (Hawaii), has experienced prolonged difficulties in getting other states or the federal government to defend their mark when there are clear and documented violations in those states. (Giovannucci and Smith, 2009)

Such litigation in the U.S. can be expensive. For example, to defend its mark an owner may have to undertake opposition proceedings with the USPTO Trademark Trial and Appeals Board²² (registrations that are *prima facie* similar to existing ones have been published for opposition by the USPTO). Lovenworth and Shiner (2008) note that a single such proceeding can easily cost hundreds of thousands of dollars in legal fees or more but that the risks of not defending one’s mark, such as possible dilution or cancellation, are too high not to do so. Protection of origin-linked products outside the US using a trademark system can also be costly, requiring registration of the mark in each foreign country where it is sold, and seeking legal remedies before foreign national courts if the name is usurped there.

A second difficulty arises in the failure to help ensure a clear and unambiguous message to consumers about GIs. Certification marks, can offer a certain guarantee of quality if they wish, but they are not required to do so. They therefore offer no legal assurance of any particular production standard, ingredient origins, traditional methods, etc. associated with a product of local origin that bears a mark. An example of this issue arises with coffee blends using the registered certification mark “Kona”; is it Kona if 10 percent of the blend is Kona and 90% something else? Indeed, when it is protected with a trademark, there is not even any assurance of traceability or even that it is indeed “local”. For example, the trademarked name “Philadelphia Brand Cream Cheese” is produced in regions other than Philadelphia.²³

The U.S. Trademark system does reduce the general public cost of maintaining a GI system by making GI protection largely a private matter. Less government intervention may generally be a good thing and in considering Geographic Indications as private property rights, current USPTO policy holds that taxpayer money should not pay for their establishment, maintenance, or policing. (Cotton and Morfesi, 2007) In doing so it fosters private rights, but potentially to the detriment of some public benefit. In essence, the trademark system may work well for the parts of the private sector that are well funded but falls short in fulfilling the public benefit of clear information for consumers since markets are neither perfect nor transparent and if misrepresentation occurs with some frequency, is it effective to leave policing entirely to the private sector? In addition to the difficulties of a rationale that private rights can ensure effective

transparency for consumers, the argument for exclusively private GI management fails to consider the public good as well. While entire local communities could apply for GI protection using the trademark system, enforcing it could be a costly barrier to entry and they would likely benefit from less costly forms of protection particularly when what they may be protecting, besides their product or service, can include rural culture, watersheds, and traditional methods that are broadly acknowledged as a general public benefit.

In contrast, *sui generis* systems such as those employed in the EU offer a public standard for “local” products that is widely understood and more transparent. The EU system for GIs operates alongside an existing trademark system. Although it is costly to operate, it holds that there is merit in providing for common benefits that accrue both to local producers and to consumers. Consumers in the EU appear to be able to distinguish GIs in part because these are protected from the use of misleading terms that imply similarity such as: “style, type, or method”²⁴ and cannot become generic by popularity once they are protected²⁵. By contrast, the trademark systems in the US and the EU, in certain circumstances, may not protect against the use of a product name in a comparative or descriptive sense, which could result in misleading consumers.²⁶

In terms of rural development and improved levels of market and social governance, Barham (2003) notes that ideally a geographical indication offers a macro system of recognition and regulation and creates opportunity for meso level platforms where collective action in the form of resource use decisions and even marketing can effectively occur. Similarly, Ranaboldo and Schejtman. (2008) note that GIs are one of the ways for rural development to encompass and foster cultural identity even in small, poor, and remote regions and even when this is not tied exclusively to a product and instead can revolve around other combined assets such as history and architecture that can be valued via tourism or emblematic art and crafts. As such this provides an opening or even a frame for micro level relationships and local voice to emerge as an expression of a unique *terroir*²⁷ and the unique quality proposition or creation that are ultimately at the root of any successful GI.

The form of that IP regime ought to be well considered in order to prioritize the public good and so avoid replacing the intention of cultural protection with a form of “cultural protectionism”. (Broude (2005) Concern for consumer protection against deception or confusion regarding the origin or source of a product is part of United States trademark legislation.²⁸ There are valid arguments about other potentially negative impacts on consumer welfare especially in terms of costs to the consumer when GIs or any legal mark is used to hoard market power and become protectionist. (Josling, 2006) However, in terms of GIs protected by certification marks, there is little evidence of this in the US. While there is a concern that some forms of IP can have negative social consequences (Shavell and Van Ypersele, 1998) or serve to unnecessarily limit rights and stifle innovation (Marette *et al.*, 2007), a number of other studies, including those reviewed by Lippoldt (2006) Branstetter, Fisman and Foley (2004) or Maskus (2000) support the theory that some forms of stronger intellectual property rights can improve the quantity and quality of trade and investment.

2. Eco-labels and standards

Eco-labels and standards, whether public or private, can have some impact as local credence attributes. For example, organic produce has a certain relation to local since organics imply a connection to the land as part of the embedded ethos to care for soil, water, and biodiversity. In fact, organic farmers were the modern pioneers of local marketing. Organic standards, though valuable, may not offer the most appropriate way of safeguarding the actual provenance of local foods and conveying this to consumers in the marketplace since they are not required to convey the specific provenance of a particular product. As such they may therefore travel quite a distance while potentially still serving to foster the concept of local, albeit elsewhere. The argument for organic as a proxy for local particularly frays as large scale industrial organics become increasingly accepted, since these tend to meet the letter of the organic standard but may have less connection to concepts many value such as local. (Burros, 2006) In a 2004 ecolabel study gauging Midwest consumer preferences for 4 options (Organic, Local, Local-Organic, or Local Pesticide-Free) and assuming price and visual appearance were the same, consumers identified Local and Local Pesticide-Free as their top two choices. (Pirog, 2004)

While locally marketed produce may often be grown using at least some organic methods, local produce is not necessarily organic. At CSA operations, for example, the Union of Concerned Scientists (2004) cites 90% as farming organically while the percentage of organic farmers at farmers' markets noted in one large survey was about one third. (Kremen, Greene, and Hanson 2003) Certified organic —with US sales of nearly US\$ 21 billion— are one of the most popular agrifood standards (Sahota 2008). And yet some believe that local sourcing may supplant organic as the most effective way for consumers to interact with food production and ensure many of the benefits ascribed to organics, even without official certification. (Dudman, 2007; Kingsolver, Kingsolver and Hopp, 2007)

Some other existing standards such as those of The Rainforest Alliance (RA) also involve a relationship to place. However, neither organic nor RA requirements require the specific provenance of a particular product, except in their internal certification records as part of their traceability. Lesser known and regional ecolabels are often tied to place. or example, The “California Clean” label is organized by small-scale farmers in the state; the “Core Values Northeast” label marks produce from New York and New England; and an NGO supports the “Appalachian Harvest” label associated with southwest Virginia and northeast Tennessee.

3. Government-led approaches

Governments clearly have a stake in developing and protecting their respective geographic origins. A number of states have dedicated considerable program budgets to this end. However, since funds are typically used almost exclusively for marketing campaigns, it is not clear whether they have an appreciable impact on either protecting or encouraging locally-oriented products. Many tend to encompass the general production of the state i.e. “Arizona Grown”, “Fresh from Florida”, “Get Real Get Maine” program, “A Taste of Iowa”, or “Taste the Freshness of Michigan” and since other and neighboring states often have similar products, the differentiation effect may be modest.

Few of the above efforts are visible much beyond their relevant jurisdictions or state boundaries and there are no credible assessments of their impacts. Such large-scale effort is more likely to benefit farmers when specific products or subregions are identified. Examples include Dried Plums from California, “Wisconsin Real Cheese”, Vidalia onions from Georgia, Washington State apples, Napa wines, 100% Kona Coffee, and Florida citrus. These are clearly local products that have been successfully marketed for their unique characteristics and origin in both domestic and even international markets; all are protected with certification marks and most receive state support.

Local governments and public agencies have now also become directly involved in the promotion of local products. Cities such as Albany, the capital of New York State, promote an “Eat Local Challenge” (www.100milechallenge.com) and The Berkshire Regional Food and Land Council have a “Buy Berkshire Grown” campaign and local Farm Guide. (MDFA, 2000)

4. Public-private approaches

Iowa, a leading farm state, has experimented with a variety of programs to foster place-based and heritage foods. Wisconsin’s “Healthy Grown” program has developed a “Natural Community” standard protocol for certification and an eco-label to inform consumers that certain local foods are produced according to specific environmental practices. Missouri’s Regional Cuisines Project was initially funded by both private (Missouri Wine & Grape Board) and public (University of Missouri) sources. The states of California, Maine, and Vermont are among the leaders in developing significant local food promotion programs and most of the programs are due to private initiatives. While many incorporate legal means of protecting these origins, such as certification marks, legal protection is much less common with more localized programs that do not have direct state participation.

Saltzman (2005) conducted randomized interviews to identify local foods in Iowa that meet at least two of three criteria as place-based foods: 1) an ecological and geographical niche; 2) a heritage basis; and 3) a narrative that explains those connections to Iowa. A number of the foods that actually met all three criteria—including Maytag Blue Cheese, Maasdam’s Sorghum, Amana rhubarb wine, K&K Tiny but Mighty Popcorn, western Iowa *mettwurst*, black walnuts and pawpaws from southeastern Iowa – but few were legally protected. Researchers Futrell and Chase (2004) documented the popular Muscatine melons as a place-based food whose name is co-opted by growers of other melons because its name is not adequately protected. The results are consumer confusion, likely dilution of the association of quality with a product, and reduced benefit to the authentic producers.

For local to work, especially when competing with more efficient producers, it has to control costs and among the most obvious costs incurred in our food system are in the supply and distribution chain, particularly for marketing. Part of Wendell Berry’s recipe for local (1990) puts it quite bluntly: “eliminate the whole pack of merchants, transporters, processors, packagers, and advertisers who thrive at the expense of both producers and consumers.” But cutting unnecessary middlemen and costs may not be an adequate solution. Consumers have come to expect a certain measure of convenience and want to easily find and buy the food they want. A

certain measure of marketing is likely to still be necessary and to be effective that will require clear and sometimes enforceable distinctions about the source of place-based foods.

Producers participating in the Missouri Regional Cuisines Project offer an illustration of this, as well as an example of the possibilities for local production on two scales: both locally and abroad. (Barham, Lind and Jett 2005) They are working together on a regional basis to foster more local production and local buying. This reinforces the local economy and keeps food dollars circulating in rural towns through the hands of multiple producers and shopkeepers. In addition, through tourism promotion, they are seeking to increase sales of their products, both domestically and internationally. By encouraging the emergence of a truly distinctive and unique regional cuisine and specialty products that are memorable for visitors, they hope to reinforce purchasing back in the predominantly urban markets where those tourists live and work. Creating an urban demand and a favorably personalized linkage with nearby rural areas ought to help maintain rural jobs as demand for such products grows. Controlling foods “branded” with their regional name may not pose important problems as long as the products are exchanged and consumed within the same local region. But when they travel away from the region, as in exports of regionally labeled wines, protection will be critical. This points to the fact that consumer demand for local encompasses more than basic foods and can stretch well beyond the region.

Where the difficulty and expense of applying for (and maintaining) legal certification or other forms of protection under trademark law make the process onerous for smaller local entities, alternatives are necessary. This is important in order to accommodate the levels of local marketing that occur apart from the more sophisticated trade efforts by organizations with the capacity to attain and maintain a legal certification mark. These less formal mechanisms such as Farmers Markets and CSAs are based primarily on reputational factors that help transform credence goods —products whose value is difficult for consumers to determine— and help provide a greater measure of integrity and honesty about local foods. But they can only do so within a limited geographical area, where face to face exchanges predominate.

Community Supported Agriculture (CSA) is a way for the public to create a direct relationship with a farmer and thus participate in local food systems with a significant level of trust and little or no need for IP mechanisms. The farmer offers subscriptions to buyers who receive a weekly or monthly basket of produce or different farm products. By making a financial commitment (and sometimes offering a small number of work hours) as subscribers to a farm, they help to ensure its support. CSA’s have become popular mechanisms to support local and it is estimated that that they have grown from about 50 public CSAs in 1990 to an estimated 2500 in the United States today.²⁹

Another fast-growing means of marketing local is the farmers' market. These are groups of farmers using a common facility on a regular, recurring basis to sell locally-grown farm products directly to consumers. The USDA reported nearly 4700 operating in 2008 up from 2700 a decade earlier. (USDA, 2008) Its directory indicates sales at farmers' markets of about \$1 billion for 2005 and that 19,000 farmers reported selling their produce only at farmers markets.

The more than 60 markets in the state of Maine are of great importance for local farmers and artisanal food makers since the state legally stipulates that a minimum of 75% of the produce

must be grown by the farmer selling it. (Bander, 2007) In 2008, the state of Iowa had around 170 permanent farmers' markets—the highest per capita in the nation—and a seasonal attendance of more than 135,000 consumers. According to an economic analysis of Iowa's farmers' markets, they generate an estimated \$20.8 million in sales and more than 325 jobs for the Iowa economy, plus an additional 146 full-time jobs created by the secondary impacts of the farmers' markets. (Otto and Varner, 2005)

The use of the internet as a source of both information and connectivity between producers and markets has been well proven with the phenomenal success of sites such as Craig's List and Angie's List.³⁰ However this is still in its nascent stages in regard to local foods. While a number of sites exist, their popularity and functionality are often both limited. For these to work well, they must provide a combination of both education and easy to use searches while integrating feedback to weed out fraud.

Some examples of Internet-based efforts to link interested parties and foster local include the FoodRoutes Network that has chapters in about two dozen states and its "Buy Fresh Buy Local" campaigns. The Food Cooperative model, championed by Oklahoma, Nebraska, Iowa and other regions, is a local buying club that allows consumers to order local foods via a web site, and the foods are then collected from drop site locations where farmers deliver them. MarketMaker® is another tool, currently in 13 states, that connect buyers and sellers of "locally grown" across the U.S. via information and an interactive mapping system that locates producers, processors and markets. The USDA has been co-funding some of these and other sites across the country. Its own page dedicated to Community Food Systems and Civic Agriculture offers a wealth of information. The Appendix lists these and several others.

Conclusions

The US is undergoing a marked change in its awareness of local foods whose authenticity can offer new possibilities for cultural expression and market differentiation. Our modern food system, with its complex competitive pressures and interconnected global trade, makes available an enormous diversity of foods but also presents new challenges in terms of local products. For 'local' to work in the US a changing modern context now requires new ways of operating to secure the intellectual property content of origin claims. To understand and effectively address the emerging concepts of local within this new context will require a measure of reinvention.

Part of the reinvention will certainly be cultural as new levels of consumer understanding and sophistication trigger changing demand. Another important part of the reinvention will be in the governance mechanisms that evolve to both foster and protect local systems. In a number of cases, informal methods are adequate to create functional markets and to provide reasonable protection of local IP. However, for the products sold through mainstream and more distant market channels such as groceries, gourmet shops and supermarkets, a more formal IP regime will be necessary.

If the U.S. agri-food sector is to take advantage of local foods and the possibilities that these offer, its intellectual property laws for GIs will be challenged to respond satisfactorily. A system that better recognizes the broad public and private benefit of such local forms of development

would consider facilitating the acquisition and enforcement of intellectual property regulations for Geographical Indications, particularly where smaller farm groups, enterprises and rural communities are concerned. There is an increasing body of literature outlining what does and what does not work about the U. S. intellectual property regime in regard to Geographical Indications.³¹ In order to derive the maximum social and economic benefits, these lessons and the lessons of countries that have responded to a similar need with the creation of *sui generis* systems, can make an important contribution towards guiding the direction that local food development takes.

NOT for DISSEMINATION – Review draft only

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Notes

1 Some livestock, particularly cattle, could be transported live and often traveled further to centralized slaughter and packing plants.

2 In other parts of the world products such as wine and olive oil are notable exceptions to this generalization, but these were only staples in a limited part of the world. An intricate system of legal controls for food stuffs really only began to emerge with the growth of population, cities and trade globally.

3 Interestingly, military requirements stimulated the mass adoption of a number of food processing technologies including Kraft's meteoric rise on the heels of its success with processed cheese during the First World War (Wohleber 2001) and instant coffee in World War II (Pendergrast 1999).

4 The first genetically engineered food to be commercially-grown and granted a license for human consumption

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6 Ark of Taste Project available at <http://www.slowfoodusa.org/downloads/ArkofTaste.pdf>

7 Case # CGC-08-474701 currently being heard before the Superior Court of California (San Francisco County)

8 See 15 U.S.C. § 1127

9 See 15 U.S.C. §§ 1051–1129

10 the 2007 new word of the year in the American Heritage Dictionary

11 Weber and Matthews (2008) note that the greenhouse gases (GHG in carbon dioxide equivalents) as a result of the food consumed in the average U.S. household accounts for the nearly 15% of the household total GHG. The agricultural production (not-organic) and industrial preparation stages of food were shown to contribute more to greenhouse gases (83%) than the transportation (15%). Interestingly, the study also concluded that red meat production is a far greater contributor to greenhouse gases and that a vegetarian diet does far more to reduce greenhouse gas emissions, than does eating a locally grown diet.

12 The \$400,000 (reported by Danny Bradbury, "Wal-Mart ramps up local sourcing activities" in *BusinessGreen*, 03 Jul 2008) is a tiny percentage of its procurement and it is not clear what sort

of an increase in value this may represent since it claims to already source a fifth of its food locally. Wal-Mart reported purchasing US\$4 billion worth of goods from 1,829 state vendors in the 12 months ending February 2007 (ProcurementAsia May 14, 2008 at www.procurement-online.com/news/6692), though these may have been suppliers into its global supply chains and not merely local procurement for local markets.

13 Personal communication with Jean English of The Maine Organic Farmers and Gardeners Association, August 15, 2008.

14 Paris Convention for the Protection of Intellectual Property, Madrid Agreement for the Repression of False or Deceptive Indications of Source of Goods and Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

15 Farm Security and Rural Investment Act of 2002 (2002 Farm Bill), the 2002 Supplemental Appropriations Act (2002 Appropriations), and the Food, Conservation and Energy Act of 2008 (2008 Farm Bill).

16 Food service establishments and processed food items are not within the purview of this labeling law. Covered commodities include muscle cuts of beef (including veal), lamb, chicken, goat, and pork; ground beef, ground lamb, ground chicken, ground goat, and ground pork; wild and farm-raised fish and shellfish; perishable agricultural commodities; macadamia nuts; pecans; ginseng; and peanuts. See 7 C.F.R. § 65.135.

17 The US does have demarcated appellations of origin for wines and specifically defined regions that are characterized by actual growing conditions. As of May 27, 2008, there were 190 such American Viticultural Areas. See http://www.ttb.gov/appellation/us_by_ava.pdf. See also Federal Alcohol Administration Act. 27 C.F.R. § 4.25(a)

18 Section 2 of the Lanham Act lists the grounds on which the application for registration of a trademark on the principal register may be refused. See 15 U.S.C. § 1052. With respect to geographical terms, trademark registration is barred for "primarily geographically descriptive" terms. 15 U.S.C. § 1052(e)(2). However the foregoing prohibition can be overcome by evidence of secondary meaning. 15 U.S.C. 1052(f).

19 See McCarthy Vol (2007). Collective marks are registrable subject to the provisions for the registration of trademarks and are entitled to the same level of protection as that afforded to trademarks. See 15 U.S.C. § 1054. Hence, collective marks are subject to all the bars to registration that are applicable to trademarks, including geographic descriptiveness. See *Racine Industries, Inc. v. Bane-Clene Corp.*, 35 U.S.P.Q.2d 1832 (T.T.A.B. 1995); See also U.S. Patent & Trademark Office, Trademark Manual of Examining Procedure § 1303.02.

20 See 15 U.S.C. 1052(e)(2) for further clarification that a geographical name does not require a secondary meaning in order to qualify for registration as a certification mark. Also: *Community of Roquefort v. William Faehndrich, Inc.*, 303 F.2d 494, 497, 133 USPQ 633, 635 (2d Cir. 1962).

21 See *Institut National Des Appellations D'Origine v. Brown-Forman Corp.*, 47 USPQ2d 1875 (TTAB 1998)

22 15 U.S.C § 1063

23 According to the USPTO (registration #0392212) New York's Empire Cheese Company began using the mark "PHILADELPHIA BRAND Cream Cheese" for their production in N.Y. in 1880.

24 See Council Regulation (EC) No 510/2006. Article 13, 1 (b) that registered names relating to agricultural products and foodstuffs are protected against "any misuse, imitation or evocation, even if the true origin of the product is indicated or if the protected name is translated or

accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’ or similar.”

25 See Council Regulation (EC) No 510/2006. Article 13, 2

²⁶ See: US: 15 U.S.C. 1115(b)(4); see also *KP Permanent Make-Up, Inc. v. Lasting Impression I, Inc.*, 543 U.S. 111 (2004); *Century 21 Real Estate Corp. v. LendingTree, Inc.*, 425 F.3d 211 (3rd Cir. 2005); EU: Council Regulation (EC) No 40/94 Article 12; European Parliament Directive (EC) No 97/55.

27 French term indicating a place where the combination of a particular agro-ecology and traditional know yield unique quality characteristics. A GI facilitates the recognition of these characteristics for a consumer and thus enables artisan producers to thrive even in very competitive markets (Giovannucci *et al.* 2009).

28 McCarthy on Trademarks Vol. 1 supra note 2, § 2:1 (2007)

29 According to Localharvest.org that lists many of them in its guide

30 These are among the better known national services that offer an efficient way to source specific products and services from often local providers, especially those that do not have sufficient economic power and capacity to market themselves widely or to convey a level of trust. In the case of the latter firm, the offerings or services are vetted by a collection of specific recommendations from a body of users thus reducing consumer search costs for recommended services such as plumbers and doctors.

31 These include: Lovenworth and Shiner, 2008; Cotton and Morfesi, 2007; Gangjee, 2007; Babcock and Clemens, 2004

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Appendix of some US Sites with significant information on local agriculture

www.sustainabletable.org/issues/buylocal

www.localharvest.org

FoodRoutes Network: www.foodroutes.org

<http://national.marketmaker.uiuc.edu/>

www.eatlocalchallenge.com

www.100milediet.org

Leopold Center Marketing and Food Systems: www.leopold.iastate.edu/research/marketing.htm

Minnesota Institute for Sustainable Agriculture: www.misa.umn.edu/MN_Food_Works.html

Robyn Van En Center CSA Farm Database: www.wilson.edu/wilson/asp/content.asp?id=1567

The National Sustainable Agriculture Information Service: http://attra.ncat.org/attra-pub/localfood_dir.php

Maine Organic Farmers and Growers Association: mofga.org

<http://newfarm.org/farmlocator/index.php>

<http://www.eatwellguide.org/>

www.corevalues.org,

californiaclean.com

Appalachian Harvest label: appsusdev.org

USDA Community Food Systems and Civic Agriculture:

http://afsic.nal.usda.gov/nal_display/index.php?info_center=2&tax_level=2&tax_subject=301&level3_id=0&level4_id=0&level5_id=0&topic_id=1447&&placement_default=0

There are no applicable sui generis federal law or state law systems. They are primarily marketing ploys as noted, and some use the existing system of trademark law (certification marks