



INTERNATIONAL FEDERATION FOR PRODUCE STANDARDS PRICE LOOK-UP (PLU) CODE ASSIGNMENT CRITERIA

January 2019

Please be sure you have thoroughly read through the criteria below and have attached the necessary documentation before submitting your application to the International Federation for Produce Standards (IFPS). Before you proceed, please refer to the PLU codes database, www.IFPSGlobal.com, to verify that a code does not already exist for the product. In order to give the IFPS sufficient time to consider the application and assign a new number, please refer to the review schedule below when making your decision to submit an application. If the application is not completed fully, the review and decision date may be delayed.

<u>Submission Deadline of Application</u>	<u>Decision Date</u>
November 1	January 31
February 1	April 30
May 1	July 31
August 1	October 31

A non-refundable processing fee is required for each new application considered by the IFPS. The fee is \$1000 USD for a member of any IFPS Member Organization (refer to *Appendix A*) or \$2000 USD for non-members (e.g., if the applicant is a member of PMA, FPC, etc., the fee is \$1000 USD). If an applicant is unsure of their status as a member, please contact the corresponding organization in *Appendix A*. A separate application will be required for each new code requested. Please submit payment in the form of a cheque or credit card; see page 10 of application for payment processing information.

All fees will be payable at the time of application by the filing organization.

Fees will be payable to PMA, the IFPS Secretariat. Applicants must be the grower or marketer of the item. Applications will be reviewed at regional and national levels, including commodity specific and retail review, before advancing to the IFPS for final assessment.

The primary objective of a PLU code is to facilitate effective and efficient price integrity outcomes at the retail point of sale. Additional value-added opportunities include:

- The capacity to offer for sale various varieties of an item, simultaneously and at different price points (e.g. apple varieties).
- Enhanced understanding of shopper behaviour to assist in category management and promotions, etc.
- The means to identify unique varieties with high demand and/or low availability which capture a premium price at retail and are sold through the supply chain at a price reflective of that premium.

CRITERIA FOR CODE ASSIGNMENTS

VERY IMPORTANT: No application will be considered unless the following criteria are met and the proper documentation is attached. If any of these criteria are not relevant to the application, please indicate this on the application. Please be sure to complete the application thoroughly and have all the supporting evidence required.

1. Commodity: Product must be:

- a fresh fruit or vegetable, loose or bunched,
- sold by weight or by the unit,
- in an unprocessed form and
- sold at retail stores.

Note: Peeled or pre-cut fruits and vegetables are considered processed product, and, as such, will not be assigned a PLU code for use in the fresh fruit & vegetable department. The commodity name must be the name under which the product is grown; e.g. apples or mangoes.

2. Variety or Classification of Varieties: For a PLU code to be granted, the product in question must be a unique variety. To prove its uniqueness, the product must meet the variety criteria of the International Union for The Protection of New Varieties of Plants (www.upov.int) or a country-specific equivalent organization that is recognized by a UPOV member's government – please see *Appendix B* for further information.

Having achieved a trademark for a strain of an existing variety is not sufficient enough reason to be granted a PLU code.

Separate codes can be assigned to varieties of a type of produce to allow varieties to be sold at different prices. This should be the growing name or common varietal if different from the marketing name if the marketing name is trademarked; e.g. Cripps Pink is the common varietal for the trademarked/product brand Pink Lady®. A PLU code will not be granted to a trademarked or branded name.

In addition, separate codes can be assigned to a classification of varieties that includes nomenclature at a broad level which could include multiple varieties (e.g. red seedless grapes). When the application is submitted, proof of plant variety uniqueness must be provided for each variety under the new classification/nomenclature; i.e., the same supporting documentation must be provided as stated above. **All varieties under a new classification must be listed in the synonyms section.**

Note: If the item you are requesting a new code for is similar to an item that is currently assigned a code (e.g., you are requesting a new code for Round Eggplant and Eggplant is currently assigned a code), please attach an explanation of why your item is unique from the item that already has been assigned a code.

3. Synonym: List any synonyms of the variety including trademarked or brand name.
4. Latin/Botanical Name: List Latin/botanical name of commodity/variety.
5. Parentage of Variety: List the 'parents' or origin of variety.
6. Breeding Program: List if the item is the result from the work of a breeding program or a chance seedling.
7. Plant Variety Uniqueness: Provide proof of breeder's rights; e.g. patent or UPOV certification.
8. Item Size: If a size break is necessary, indicate the product size (e.g. small/medium/large /extra-large) that must be in compliance with the standard usage within the industry. Size information can be found in the FAQ section of the website, www.IFPSGlobal.com. In most situations, there will be a North America and Rest of World size break. Please mark the size designation for each by count size, weight or dimension.
9. Sold at Retail: Mark the appropriate line if sold by each or by weight/bulk.
10. Countries of Production/Marketing: List countries where item is produced and marketed.
11. Global Production Volumes: Current annual and 5-year projected volumes are required for global production in number of cartons and total weight. Include weight per carton.
12. Global Sales Volumes: List current and 5-year projected volumes for global sales in number of cartons and total weight. Include weight per carton.
13. Sales of Cartons per Country: List number of cartons and total weight for sales by each country.
14. Source of volume: The source of these volumes must be noted (e.g., commission or association data, internal estimates, etc.).
15. Product Photo: Photos of the product for which the application is being made must be provided with the completed application. Photos to be provided electronically as follows.

IFPS PLU Code Application Product Image Specifications:

- Must be in a TIFF format
- 300 dpi (dots per inch)
- Image of product only, no packaging
- Shape of image must be in a 1:1 ratio (squared)
- Image size range to be between '900 x 900' pixels to '2400 x 2400' pixels

Please Note: By submitting images (photos) in support of your application, you confirm and guarantee that there is no third party copyright to the work presented and that you assume full responsibility for any infringement of third party copyright. All images submitted become the property of IFPS.

16. Retail Support Letters: Support letters are required from at least three different retailers or e-tailers (e.g., Amazon Fresh). Retailers signing letters of support must operate 25 or more stores and at least one support letter must be from a retailer which operates 100 or more stores. E-tailers signing letters of support must have annual fresh produce sales of \$10 million or more. Retailers/e-tailers signing the support letter must be utilizing IFPS PLU codes in their operations. (Support letters signed by a retailer/e-tailer not using PLU codes within their store retail systems will be disallowed and the applicant will be asked to provide additional letters to support their application.) *Please note:* only authorized signers should sign support letters. Authorized signers must be senior produce management at the company level. Companies providing support must provide current and 5-year projection of sales.

17. Plant Variety Uniqueness (e.g., patents): Supporting evidence regarding the uniqueness of the variety is required. This can be provided through a patent copy, breeder documentation or other proof from any of the organizations listed in Appendix B. The product can be called a number of names, but will only have one PLU code. For example, if you take the Pinova apple, which is marketed under Pinova and Corail as well as the trademark names of Piñata™ and Evelina™, all use the same PLU code. If the item is trademarked, a common varietal name is required since PLU codes are not assigned to trademarked items.

18. Impact on industry: The assignment of a new PLU code to the item under consideration must not negatively impact or disrupt the international fresh produce market. If the application changes the nomenclature of the respective category, there must be support for the application from the industry member's representative of that category. For example, if the application changes the existing size breaks in the category, due diligence must be done to indicate support by the industry in order to make this change. It is the responsibility of the applicant to ensure this due diligence has been executed.

19: PLU Code Migration: When a PLU Code application is approved for a specific variety or size where a PLU Code already exists with no specific variety or size named, the nomenclature for the existing PLU Code (the variety or size) will be changed to "All Other".

All requests for a new PLU code should be submitted using the attached form. Please note the deadlines for quarterly submissions at top of application. Applications and associated documents can be sent electronically to plu@ifpsglobal.com or mailed to the address on the application. If sending electronically, please be sure that the files are in PDF format and any pictures attached are in TIFF format. Regardless of the outcome, every applicant will receive a written response detailing the decision, and, if approved, the new PLU code assigned. Once a code is assigned, it will be posted to the PLU codes database on the IFPS web site, www.ifpsglobal.com. If the application is declined by the IFPS, applicants can resubmit their application, with the application fee, only if new evidence or additional information is included. If denied a second time, the applicant must wait two years before applying for the same item. Please refer to the PLU Application Review Process on page 15 of the application for further details on the steps for application consideration.

Any questions?

Call +1 (302) 738-7100 or e-mail plu@ifpsglobal.com
International Federation for Produce Standards
c/o Produce Marketing Association
1500 Casho Mill Road
P.O. Box 6036
Newark, Delaware 19714-6036
Phone: +1 (302) 738-7100 Fax: +1 (302) 731-2409
www.ifpsglobal.com



PLU CODE APPLICATION

International Federation for Produce Standards (IFPS)

P.O. Box 6036, Newark, DE 19714-6036

Phone : +1 (302) 738-7100 Fax : +1 (302) 731-2409

Email: plu@ifpsglobal.com

The information requested below will be used to evaluate whether a new PLU code should be assigned to the fresh produce product detailed by you, the applicant. All information you provide will be considered by the IFPS in making its decision. By completing this form, you agree to adhere to the rules and procedures established by the IFPS as outlined in the Assignment Criteria section above.

PLEASE TYPE THE FOLLOWING INFORMATION IN ENGLISH

Product Name (commodity/variety/size if applicable) as the product should be listed in the IFPS database: _____

Date: _____

Name of Applicant & Title: _____

Organization/Company: _____

Mailing Address: _____

City _____ State/Province: _____

Postal/Zip Code: _____ Country: _____

Telephone: _____ Fax: _____

E-mail Address: _____

Name of IFPS Member Organization: _____

(refer to Appendix A)

Please be sure you have read the attached **Assignment Criteria** section before completing the application form. If you have any questions, contact your local IFPS member (a list of members can be found at www.ifpsglobal.com). Also verify at www.IFPSGlobal.com that the product being applied for has not already been assigned. ***You must use a separate copy of this form for each individual code for which you are applying. Complete each section of this application. If a section is not applicable to your product, simply write (N/A) in the space provided. If you need additional space, please attach a separate piece of paper.***

Refer to criteria definitions on pages 2 -4

Commodity (e.g.: apple): _____

Variety or Classification of Varieties (**All varieties under a new classification must be listed in the synonyms section below.**):

Synonyms (brand or trademarked names. e.g.: Pink Lady®):

Latin/Botanical Name of Variety: _____

Parentage of Variety: _____

Is the item the result of the work of a breeding program? _____

Is the product unique? _____

If yes, please complete the PLU Code Plant Variety Uniqueness Acknowledgement form (page 12) to support granting this item a PLU code.

Item Size (if/where applicable):

No Size Assigned: _____

Size (circle one where applicable): Sm Med Large X-Large

List corresponding size distinction below:

North America _____ (count size or dimension)

Rest of World _____ (weight or dimension)

Sold at Retail? By Each: _____ By Weight/Bulk: _____

Countries where produced and marketed: _____

Global Production Volume (in lbs./kgs.):

Current Annual Production Volume:

of Cartons _____ Total Weight _____ Weight per Carton _____

5 Year Production Projections:

of Cartons _____ Total Weight _____ Weight per Carton _____

Global Sales Volume (in lbs./kgs.):

Current Annual Sales Volume:

of Cartons _____ Total Weight _____ Weight per Carton _____

5 Year Projection of Sales Volume:

of Cartons _____ Total Weight _____ Weight per Carton _____

Current # of Cartons/Country:

(country) (# of cartons) (total weight)

(country) (# of cartons) (total weight)

(country) (# of cartons) (total weight)

Source of Volume:

Commission _____

Government Data _____

Internal Research _____

Other (*please identify*) _____

Please Verify!

Remember that incomplete requests will not be processed!

Before submitting your application, have you:

- ✓ Ensured that the item is unique and an existing PLU code cannot be used?
- ✓ Enclosed proof of that uniqueness?
- ✓ Attached the PLU Code Plant Variety Uniqueness Acknowledgement form for any items along with a copy of the patent or other supporting evidence?
- ✓ Enclosed proof of the availability?
- ✓ Enclosed support letters from at least 3 retailers (one with a minimum of 100 retail operations and two with a minimum of 25 retail operations or an e-tailer with a minimum of \$10 million in annual produce sales)?
- ✓ Filled out the PLU Code Application Form completely?
- ✓ Provided images of product according to specifications?
- ✓ Reviewed and checked box below?
- ✓ Signed application and completed financial information?

I confirm that the due diligence has been done to ensure that this application does not in any way negatively impact or disrupt the market for the commodity/category under consideration.

By signing this form, you agree to adhere to the rules and procedures established by the IFPS as outlined in the Assignment Criteria section above.

Signature

Company Name

Printed Name

Date

PLU CODE PAYMENT INFORMATION

Cheque enclosed (U.S funds drawn on U.S. banks only.) Cheques payable to PMA. Do not fax.

MasterCard® VISA® American Express®

Total Amount to Be Charged: _____

Account # _____ Expiration Date _____

Cardholder's Name _____ Signature _____

PLEASE NOTE THAT PAYMENT IS NON-REFUNDABLE

Mail to: International Federation for Produce Standards (IFPS)
c/o Produce Marketing Association
P.O. Box 6036, Newark, DE 19714-6036

Phone : +1 (302) 738-7100

Fax : +1 (302) 731-2409

Email: plu@ifpsglobal.com



PLU CODE RETAIL SUPPORT LETTER

To: International Federation for Produce Standards (IFPS)
c/o Produce Marketing Association
P.O. Box 6036, Newark, DE 19714-6036
Phone: +1 (302) 738-7100 Fax: +1 (302) 731-2409 Email: plu@ifpsglobal.com

REMEMBER: A minimum of three (3) retail support letters are required for consideration.

*****PLEASE TYPE OR PRINT LEGIBLY THE FOLLOWING INFORMATION*****

I am writing on behalf of _____
(Name of Retailer/E-tailer)

Retailer Headquarters Street Address: _____

City _____ State/Province: _____

Postal/Zip Code: _____ Country: _____

Number of Stores Operated: _____

We support the assignment by the IFPS of a new standardized Price Look-Up code for the following item(s):

We have marketed the above item for _____ months/years currently purchasing a volume of _____ cartons.
We project to purchase _____ cartons in 5 years. Cartons each weigh _____ lbs/kgs.

We understand that:

- The IFPS must receive requests from at least three retailers before it can consider this application. Two letters must be from operations with a minimum of 25 store locations. At least one retailer support letter must be from a retailer which operates 100 or more stores. E-tailers signing letters of support must have annual fresh produce sales of \$10 million or more.
- Companies signing this letter must be utilizing IFPS PLU codes in their operations.
- Companies signing this letter will provide sales projections for five years.
- My signature on this letter of support signifies that my operation is selling the item noted on this application and that it is being sold at a different price point than other similar items.
- I may receive calls from the IFPS and/or its committees regarding this application and my reason for supporting.
- The IFPS has the final authority to approve or decline any applications for new codes based on its stated criteria.
- The IFPS staff will notify the applicant with the IFPS’s final decision. It is the responsibility of the applicant to advise his/her retail buyers once the code is approved.
- All standardized PLU codes will be posted at www.ifpsglobal.com.

Signature _____ Date _____

Name _____

Title _____

E-mail Address _____

Phone/Fax _____



PLU CODE PLANT VARIETY UNIQUENESS ACKNOWLEDGEMENT

PLU codes are issued by the IFPS for use by all global industry participants as a means of accurately and quickly identifying the price of products correctly at point of sale.

To provide the IFPS with relevant information regarding your PLU application, please complete the following and provide the appropriate documentation.

- Name of item for which PLU code is being applied: _____

Is this item patented? Yes No

If no, provide supporting documentation from an organization listed in Appendix B.

- Name of patented item: _____

Is the tree, the item, or both patented? _____

- Patent Number: _____

Please attach copy of the patent.

- Date of Issuance: _____ Country of Issuance: _____

- Name of trademarked item: _____ Trademark Number: _____

Applicant Acknowledgement: The undersigned fully understands and agrees that should a new PLU code be issued for this product under this application that it will be under the name commonly used in the industry and not under the trademarked name or description. I further acknowledge that this PLU code will be made available to the global produce industry on www.ifpsglobal.com.

Name: _____ Date: _____

Signature: _____

Email: _____

Company Name: _____

LEGAL LIABILITY

The rules in this Assignment Criteria shall govern your application for an IFPS Price Look-Up Code. By submitting your application, you agree to be bound and governed by the Assignment Criteria (as amended from time to time).

Any reference to **Applicant** means you, your company, business or organisation as set out in the IFPS PLU Code Application Form who is applying for or receiving the benefit of an IFPS PLU Code.

1. LIMITATION OF LIABILITY

- a) Nothing in the Assignment Criteria shall limit or exclude the IFPS' liability for: death or personal injury caused by its negligence; fraud or fraudulent misrepresentation; or any other liability which cannot be limited or excluded by applicable law.
- b) Subject to clause 1a, the IFPS shall not be liable to the Applicant, whether in contract, tort (including negligence), for breach of statutory duty, or otherwise, arising under or in connection with this Agreement for: loss of profits; loss of sales or business; loss of agreements or contracts; loss of anticipated savings; loss of or damage to goodwill; loss of use or corruption of software, data or information; and any indirect or consequential loss.
- c) Subject to a)b above, the IFPS's total liability to the Applicant, whether in contract, tort (including negligence), for breach of statutory duty, or otherwise, howsoever arising under or in connection with an application for an IPLU Code shall be limited to the IFPS' non-refundable processing fee (from time to time). The terms implied by sections 3, 4 and 5 of the Supply of Goods and Services Act 1982 are, to the fullest extent permitted by law, excluded from this Assignment Criteria.

2. THIRD PARTY RIGHTS

No one other than an Applicant shall have any right to enforce any of its terms.

3. ENTIRE AGREEMENT

This Assignment Criteria, the IFPS PLU Code Application form, IFPS PLU Code Retail Support Letter, IFPS PLU Code Intellectual Property Acknowledgment, Application Review Process and appendices (together the **Application**) constitute the entire agreement between the IFPS and Applicant and supersedes and extinguishes all previous agreements, promises, assurances, warranties, representations and understandings between them, whether written or oral, relating to its subject matter. The Applicant agrees that it shall have no remedies in respect of any statement, representation, assurance or warranty (whether made innocently or negligently) made by the IFPS that is not set out in the Application. The Applicant agrees that

it shall have no claim against the IFPS for innocent or negligent misrepresentation or negligent misstatement based on any statement made by the IFPS in the Application.

4. GOVERNING LAW AND JURISDICTION

The applicant acknowledges and agrees that any dispute or claim (including non-contractual disputes or claims) arising out of or in connection with the subject matter or formation of the Assignment Criteria or the Applicant's application for an IFPS PLU Code shall be governed by and construed in accordance with the law of England and Wales. The Applicant irrevocably agrees that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim (including non-contractual disputes or claims) howsoever arising out of or in connection with the Assignment Criteria (or its subject matter or formation), the applicant's application for a PLU Code or application process.



Application Review Process

The Product Identification Committee staff liaison reviews the application for completeness and accuracy of data. Proof of variety uniqueness will be confirmed. Retail support will also be validated. If the application is not completed fully and/or additional information is needed within the first 30 days to support the application, the review and decision date will be delayed to the next review period.

The application is then forwarded to the IFPS members to complete their country/member review of all information. The IFPS member country representatives determine and conduct their review process for their own country. To learn more about your country's specific review process, please contact your IFPS member organization.

As part of the review process, each IFPS member will execute a PLU application review within their constituency. The parameters of this review are at the discretion of the member organization and guide the vote from that member.

The IFPS members review all materials and make the final decision on whether to approve or deny the application.

Votes are communicated to the staff liaison to assign an available code, if approved. The staff liaison communicates the approval or denial to the applicant via letter delivered electronically via email within one week of receipt of the vote.

This entire process takes approximately 12 weeks.

APPENDIX A

IFPS Member Organizations

- Asociacion de Exportadores de Frutas de Chile (ASOEX)
- Canadian Horticultural Council
- Canadian Produce Marketing Association
- Fresh Produce Consortium (UK)
- Frug I Com (Netherlands)
- Norges Frukt-og Gronnsaksgrossisters Forbund (Norway)
- Produce Marketing Association (US)
- Produce Marketing Association Australia-New Zealand
- United Fresh (New Zealand)
- United Fresh Produce Association (US)

APPENDIX B

Acceptable Agencies for Unique Variety Verification*

- UPOV – www.upov.int
- Plant Variety Protection Program - <http://www.ams.usda.gov/>
- U. S. Patent and Trademark Office - <http://www.uspto.gov/>
- New Zealand Intellectual Property Office <http://www.iponz.govt.nz>
- CFIA Plant Breeders' Rights Office - <http://www.inspection.gc.ca/plants/plant-breeders-rights/varieties/eng/1300463863953/1300463978655>
- EU – CPVO - http://ec.europa.eu/food/plant/plant_property_rights/index_en.htm
- Australia Plant Breeder's Rights - <http://www.ipaustralia.gov.au/get-the-right-ip/plant-breeders-rights/>
- Servicio Agrícola y Ganadero (SAG) – <http://www.sag.cl/ambitos-de-accion/proteccion-derechos-del-obtentor-registro-de-variedades-protegidas>

**Please note this list is not exhaustive – if the applicant has achieved unique variety designation from another body that is recognized by a UPOV member's government, please contact the IFPS.*