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SYMPOSIUM INTRODUCTION

The genesis of federal marketing orders regulating the distribution and sale of various agricultural commodities is found in the Agricultural Adjustment Act (AAA), which was adopted in 1933. The contemporary regulatory framework underlying marketing orders is the result of the Agricultural Marketing Agreement Act of 1937 (AMAA), which has been amended periodically since its adoption. This latter New Deal-era statute embodies the twofold objective of attempting to achieve “parity prices” for the producers of certain agricultural commodities while establishing and maintaining the “orderly marketing conditions” that could be expected to benefit producers and consumers alike.

Variously praised and criticized by industry representatives, and generally maligned by consumer advocates, marketing orders are often misunderstood by those not directly influenced by them in the agri-business community. Marketing orders are perhaps least understood by the vast majority of consumers who depend upon a national food distribution system deeply affected by marketing orders to provide them with adequate supplies of high-quality fruits, vegetables, nuts, specialty commodities and dairy products at affordable prices.

The *San Joaquin Agricultural Law Review* presents this symposium on marketing orders with the goal of offering interested parties a com-

pendium of information and viewpoints through which they can enhance their understanding of a national policy and agricultural program that has evolved with increasing complexity since its idealistic beginning in the 1930's. The symposium consists of five practitioner-written articles and two student-authored comments.

Daniel Bensing surveys and analyzes the procedures governing adoption, administration, amendment, enforcement and termination of marketing orders regulating fruits and vegetables, and offers recommendations for a comprehensive revision of the AMAA to modernize, simplify and strengthen its procedural and enforcement provisions. Barry Pineles examines the operation of marketing orders by placing the decision-making process in what the author believes to be its proper administrative and legal context, and thereby suggests changes to improve the administrative process. Lois Bonsal Osler offers a general overview of the basic structure of the federal milk marketing system.

Brian C. Leighton focuses on the provision in various federal marketing orders requiring assessments by handlers to underwrite commodity advertising and promotion programs, and evaluates whether any promotion or advertising program can be developed that would not be violative of the First Amendment. Daniel I. Padberg and Charles Hall focus initially on the political and economic dimensions of early American agriculture as a foundation for their perspective of the economic rationale underlying federal marketing orders for fruits, vegetables, nuts and specialty crops.

Dennis M. Gaab offers the California-Arizona citrus marketing orders as examples of failed attempts by the federal government to regulate markets for agricultural commodities. Finally, Elizabeth S.M. Karby suggests actions that could result in liability by producer members of marketing order boards, examines the limits of board members' immunity for their actions, and suggests how a complaint could be framed to survive the immunity defense.

These articles and comments are offered to provide information and provoke discussion concerning a topic of current interest to producers and consumers of a variety of agricultural commodities. The views expressed by these authors are theirs alone and do not necessarily represent the views of the editors, staff or supporters of the *San Joaquin Agricultural Law Review* or the San Joaquin College of Law.