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Seedmen's Records and the Federal Seed Act

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UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
Grain Division
Washington 25, D. C.

February 1, 1961

SEEDSMEN'S RECORDS AND THE FEDERAL SEED ACT

I. Introduction

Maintaining proper records as required under the Federal Seed Act is a problem to some seedsmen. The failure to keep proper records may make it difficult to defend oneself against charges of false labeling or claims filed for failure to fulfill a contract. Records necessary for normal good business management will ordinarily meet the requirements of the Federal Seed Act and the rules and regulations thereunder. Records which disclose receiving, processing, quality, testing, labeling, sales, and shipping information are essential to everyday management of a seed business.

The term "complete record" is defined in the rules and regulations under the Federal Seed Act to mean "information which relates to the origin, germination, and purity (including variety) of each lot of agricultural seed transported or delivered for transportation in interstate commerce, or which relates to the germination and variety of each lot of vegetable seed transported or delivered for transportation in interstate commerce. Such information includes seed samples and records of declarations, labels, purchases, sales, cleaning, bulking, handling, storage, analyses, tests, and examinations. The complete record kept by each person for each lot of seed consists of the information pertaining to his own transactions and the information received from others pertaining to their transactions with respect to each lot of seed."

Section 202 of the Federal Seed Act and sections 201.4, 201.5, 201.6, and 201.7 of the rules and regulations under the act set forth the requirements of record keeping. A complete record of each lot is required to be kept for 3 years, except that the file sample may be discarded one year after disposal of the entire lot of seed. Growers' declarations of origin or of kind, variety, or type for seeds indistinguishable by seed characteristics should be kept by the person procuring the seed from the grower if exemption from responsibility for false labeling as to variety is to be claimed as provided under section 203(d) of the act. Shippers' declarations, invoices, or other labeling should be kept by subsequent handlers to indicate how the seed was represented when received. The records should be kept in such a manner as to permit comparison with the records kept by others pertaining to the same lot of seed so that the seed may be traced from the place where it is sampled back to the grower, if necessary.

The following suggested records provide the information pertaining to seed subject to the Federal Seed Act. They are designed for simplicity, yet