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Questions and answers about the Federal Seed Act

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QUESTIONS AND ANSWERS ABOUT THE FEDERAL SEED ACT

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These 77 questions and answers were previously published in nine separate issues of seed trade publications. They are being redistributed in this manner, together with an accompanying index, with the thought that they may serve as a convenient reference. This may enable you to more easily understand the requirements of the Federal Seed Act and the rules and regulations thereunder.

1. Q: Will seed of any quality be permitted into the United States if it is in the small quantities not ordinarily sampled?

   A: Usually it will be permitted to enter. It is not practical to sample and test all small shipments of seed offered for importation. The new regulations set forth the minimum amounts of about 60 vegetable and 190 agricultural seeds that will ordinarily be sampled. However, this regulation does not prohibit the sampling and testing of small shipments if there is reason to believe this section is being used to avoid complying with the quality requirements of the act.

2. Q: Must every container of imported vegetable seed be labeled to show the name of both the kind and variety of seed?

   A: Yes. Such labeling, together with the lot number, will help preserve the identity of the seed. This will help subsequent interstate shippers to correctly label seed from such imported lots. This is particularly important when the varieties of seed cannot be distinguished.

3. Q: How must imported agricultural seed be labeled?

   A: The label must show the name of each kind or variety of seed, but if both the kind and variety are shown on the invoice and other entry papers, then the label must show both the kind and variety. The lot number must always be shown. As with vegetable seed, this will help subsequent interstate shippers correctly label seed from such imported lots.

4. Q: One of the sections of the regulations allows the re-entry of seeds that were sent abroad from this country, even though the seed does not comply with the United States import regulations. Is a sworn statement of a foreign

processor sufficient to identify such a lot of seed?

A: No. Such identifying statements must be by a customs or other government official of the country to which the seed was sent. The official statement must set forth that the seed was not admitted into the commerce of the foreign country and was not commingled with other seed.

5. Q: Is it advisable to file a declaration that seed offered for importation is for experimental or breeding purposes before it is tested in this country to determine whether it meets the import requirements?

A: Only under circumstances where time is a factor. However, the accurate identifying information required on seed offered for importation is seldom available before the seed arrives at the port of entry. Some importers may wish to be prepared to file such a declaration as soon as possible in cases where they have knowledge that the seed may not meet import requirements.

6. Q: Is the restriction on the amount of seed that may be imported for experimental or breeding purposes based on the size of each importation, each lot, or the amount that can be imported in 1 year?

A: It is based on the amount of each lot of seed.

7. Q: Are inbred lines of seed, imported for the production of hybrids, considered to be for "breeding" purposes?

A: Yes. Seed imported for making selections, crosses, or tests is considered to be for experimental or breeding purposes.

8. Q: Can seed that is imported for the sole purpose of increasing the seed supply be classed as being for experimental or breeding purposes?

A: No. There is no provision for exempting seed from the import requirements merely for the purpose of increasing the supply

9. Q: Why was sorghum almum retained as the name of a kind of seed when the seeds of sorghum almum cannot be distinguished from Johnsongrass?

A: Sorghum almum has previously been recognized as the name of a kind of seed and described as a distinct species; therefore, to abandon the name now would create confusion. In addition, sorghum almum has been designated a noxious-weed seed in some States which do not wish to designate all sorghum x Johnsongrass and sorghum x sudangrass crosses as noxious. It is anticipated that some future releases of such crosses may be valuable for forage purposes and should be available to farmers. These crosses would not be available if they were all considered to be noxious-weed seeds. The problem of identification is no different than it is when two other

indistinguishable kinds are involved.

10. Q: Does the change in section 201.7 recognizing an invoice or other document as a basis for labeling indistinguishable seed as to variety mean that grower's declarations are not necessary?

    A: No. Grower's declarations as to kind, variety, or type of indistinguishable seed are still required to be kept by the person who purchases such seed from a grower if he intends to sell the seed under a variety name. However, subsequent handlers are permitted to rely upon other documents normally passing from seller to buyer, such as an invoice.

11. Q: Why must the germination be shown for each kind of agricultural seed listed on the label even though it is present in an amount less than 5 percent?

    A: This is to prevent the listing of small percentages of valuable ingredients in mixtures for the purpose of misleading the purchaser when the germination of such ingredients may be so low as to be worthless for seeding purposes.

12. Q: Why were aldrin, dieldrin, and heptachlor placed in the list of mercurials and similarly toxic substances used for treating seed so that seed treated with them must be labeled to show a skull and crossbones and the word "Poison"?

    A: The level of toxicity of these substances, determined by the lethal dose required to kill experimental animals, logically placed these substances in the highly toxic category. On the same basis, chlordane was removed from the list of the highly toxic substances. Although this labeling is not consistent with the requirements for labeling these substances when sold as such under the Federal Insecticide, Fungicide, and Rodenticide Act, the labeling required on seed treated with these substances appears justified because the product we are dealing with may be used for food or feed; whereas, the substances themselves are not likely to be so used, except accidentally.

13. Q: Do vegetable seed packets containing 4 ounces or less of seed treated with a substance other than a mercurial or similarly toxic substances have to be labeled with a caution or warning statement?

    A: No. Such packets are required to be labeled to indicate that the seed is treated and the name of the substance used in the treatment.

14. Q: Under what circumstances can treated seed in containers of over 4 ounces be shipped in interstate commerce without bearing a caution or warning statement?

A: When the seed is treated at a rate less than the number of parts per million specified for certain-named substances. These include allethrin (2 p.p.m.), malathion (8 p.p.m.), methoxyclor (2 p.p.m.), piperonyl butoxide (8 p.p.m.), and pyrethrins (1 p.p.m.). The seed would still have to be labeled to indicate that it was treated and the name of the substance used in the treatment

15. Q: Would you give some examples of coined names as distinguished from chemical or private trade-marks?

A: Some examples of coined names are aldrin, demeton, dieldrin, endrin, ferbam, lindane, maneb, nabam, thiram, zineb, and ziram.

16. Q: Can private trade-marks be used in lieu of coined or chemical names to satisfy the labeling requirements for treated seed?

A: No. The coined, chemical or abbreviated chemical name is required to be shown. The private trade-mark may be shown, in addition, providing it is not used in a manner that would be construed to be misleading.

17. Q: Do the complete chemical names of the mercurials have to be shown in labeling?

A: No. The term "mercury" or "mercurial" may be used in labeling seed treated with any one or combination of the mercurials.

18. Q: Does the consent of the consignee have to be obtained each time a large shipment is made to him without labels attached to the bags?

A: No. This can be an agreement covering a specified period or an indefinite period. It is suggested, however, that the agreement be in writing and be kept as part of the shipper's records.

19. Q: Can any commonly used synonym be used as a substitute for the name of a kind of seed in labeling seed subject to the act?

A: No. It is suggested that agreement be obtained from the Seed Branch that the term intended to be used is recognized as a synonym.

20. Q: Is it permissible to use variety names in labeling seed in interstate commerce when they do not appear in the lists of variety names in the regulation?

A: Yes, if they are new varieties introduced since the regulations were last amended or if no list for the particular kind appears in the regulations and the variety would otherwise meet the requirements for a variety as set forth in section 201.34(e) of the regulations.

21. Q: What is a grower's declaration of variety?

A: It is a signed statement of a grower establishing, to the best of his knowledge, the variety of certain identified seed sold by him.

22. Q: On what kind of seed is a grower's declaration necessary?

A: It is intended for use on seed which is indistinguishable as to variety on the basis of seed characteristics.

23. Q: What is the value of a grower's declaration as to variety?

A: The statement made by the grower is the basic record upon which all subsequent handlers of seed may rely for exemption from prosecution under the Federal Seed Act for having unknowingly made a false representation as to variety.

24. Q: If the seed is distinguishable as to variety on the basis of seed characteristics, is the declaration of any value as protection to the interstate shipper under the Federal Seed Act?

A: No.

25. Q: Who is held responsible for the fact that seed indistinguishable as to variety is falsely labeled?

A: The interstate shipper; however, if he keeps a complete record as required under the Federal Seed Act and other pertinent facts disclose that he took proper precautions to label the seed correctly he will not be held responsible.

26. Q: Who may finally be held responsible?

A: If every handler of the seed keeps a complete record, the responsibility may finally rest with the grower.

27. Q: What kind of records is the grower required to keep?

A: He is required to keep for 1 year a sample of any lot of seed sold to a dealer and represented as to variety and to keep for 3 years a copy of the signed grower's declaration of variety.

28. Q: What is the purpose of requiring the grower to keep a file sample of the seed?

A: To make it possible to determine whether seed which is indistinguishable as to variety by seed characteristics and which is found in interstate commerce to be falsely labeled is the same seed originally sold by the grower.

29. Q: How may a grower be construed to be subject to the Federal Seed Act if he doesn't ship the seed across a State line?

A: For having sold the seed for shipment in interstate commerce by someone

else. Insofar as labeling as to variety or origin is concerned, if seed is in that "current of commerce" usual in the merchandising of seeds whereby it is expected that such seeds will move in interstate commerce, it may be construed to be subject to the act.

30. Q: What should growers do to protect themselves from a charge of false labeling as to variety?

A: The grower should retain evidence of the source of his planting stock to establish that the seed planted by him was represented to him to be the variety claimed. Needless to say, the best possible precaution for signing a grower's declaration as to variety is to have planted certified seed. If the seed is of a cross-pollinated variety, it should be only a few generations away from certified seed--the fewer the better. The number of generations will depend upon the isolation of the growing crop. In some cases, seed one generation removed from certified seed may be pollinated by another variety to such an extent that the seed produced is no longer entitled to be labeled as a distinct variety. This determination is the growers responsibility as he is the person in the best position to know to what extent the crop was isolated to prevent pollination by another variety.

31. Q: What harm is done by growers who sign false declarations as to variety?

A: They may by their actions be harming another grower. He may be a neighbor or he may be a farmer in a distant State who relies on the subsequent labeling as to variety.

32. Q: What can a seedsman do to determine the variety of seed he buys and sells, other than to obtain a grower's declaration as to variety?

A: He can find out or supervise the source of the seed stock used by the grower, where and how it was grown, how well it was isolated, and how it was harvested and processed. Supervision can best be done under a contract arrangement with the grower.

33. Q: Where can I find information on how to correctly label and advertise seed as to the name of the kind so as to comply with the Federal Seed Act?

A: In the regulations under the Federal Seed Act which became effective November 21, 1955, and were amended in 1957, 1959, and 1960. They provide a clear guide for labeling and advertising seed as to kind. The proper names of the kinds are given in section 201.2(h) and (i).

34. Q: How can I obtain a copy of these sections?

A: By requesting a copy of Service and Regulatory Announcements No. 156 or a reprint of the regulations from the Seed Branch, Grain Division, Agricultural Marketing Service, United States Department of Agriculture,

Washington 25, D. C.

35. Q: How do the 1955 regulations and subsequent amendments differ from the regulations which were in effect before November 21, 1955?

A: Some of the names of kinds previously permitted can no longer be used in labeling seed in interstate commerce. This is particularly the case where certain varieties of seed have been labeled and advertised both as to kind and variety and the name of the kind has been abbreviated.

36. Q: What are some examples of kind designations being abbreviated improperly?

A: "Fescue" has been improperly used as the name of the kind in labeling and advertising the Alta variety of tall fescue. "Lespedeza" has been used as the name of the kind in labeling and advertising the Common and Kobe varieties of striate lespedeza. "Bluegrass" has been used as the name of the kind in labeling and advertising the Merion variety of Kentucky bluegrass. The terms "fescue," "lespedeza," and "bluegrass" are not in themselves sufficiently informative to the buyer as there are many species of each. The different species of fescue, lespedeza, and bluegrass differ in characteristics and adaptability and therefore must be clearly identified.

37. Q: How should millet seed be labeled as to kind?

A: Under the Federal Seed Act, all "millets" have two-word names. Examples are foxtail millet, pearl millet, and proso millet. There is no way of knowing what kind of seed is referred to if seed is labeled as "millet".

38. Q: What are some examples of violations of the Federal Seed Act in advertising and labeling the various millets?

A: The most frequent violation which comes to the attention of the Seed Branch is omitting part of the kind name. For instance, Starr variety of pearl millet is advertised and labeled improperly as Starr millet; German or Golden variety of foxtail millet is shown as German or Golden millet, and White Wonder variety of foxtail millet is shown as White Wonder millet. The words "pearl" and "foxtail" are parts of the respective kind names and are required to be shown.

39. Q: Does the Federal Seed Act require labeling as to variety of agricultural seed?

A: No. The act requires labeling as to kind, kind and variety, or kind and type of agricultural seeds; therefore, the name of the kind is always required to be shown. The variety or type may be shown, in addition, and if given must be truthful.

40. Q: What is a brand?

A: A brand is a term by which goods may be distinguished as coming from a certain source.

41. Q: What is the function of a brand?

A: It is to identify the manufacturer or distributor, not the product itself.

42. Q: How does a brand differ from a variety name?

A: A brand is private property and may be used only by the owner or with the owner's permission. A variety name is public property available for use by everyone to designate the variety to which it applies. It is our understanding that a variety name cannot be a valid brand.

43. Q: What has caused the confusion between brand and variety names?

A: Under the Federal Seed Act, the originator of a new variety has a right to name that variety. If the variety can be reproduced from seed it may be produced and sold by anyone. The name that was given the variety by its originator may be used by anyone. In fact, under the Federal Seed Act that name must be used. This is true even though the name was a privately-owned brand. When a brand name is made a name of a variety it is no longer protected as a brand. Protestations on the part of the brand owner that it is still a brand do not make it so.

44. Q: When can a person use a brand privately owned by another person?

A: If the owner of a brand uses it as a variety name or part of a variety name, he, in effect, loses the protection given brands and automatically permits other persons to use it as the name of the variety. This is possible in the United States because variety names are not valid brands.

45. Q: What are the regulations under the Federal Seed Act applicable to the use of brands?

A: They require that in labeling or advertising seed subject to the Federal Seed Act, the representations of the kind or of the kind and variety shall be confined to the name either of the kind or of the kind and variety. Brand names when used must be clearly identified as being other than a part of the name of the kind or of the variety. Registration of a variety name as a trade-mark does not change its status as a variety name under the Federal Seed Act--the variety name may be used by anyone to describe that variety.

46. Q: What are some examples of proper and improper use of brand names with kind and variety names in labeling and advertising seed?

A: In our opinion, it is not misleading to use the term "Supreme Brand Kindred Barley." We think it is misleading to use the term "Supreme Kindred Barley." We also are of the opinion that it is misleading to deliberately use a brand as a substitute for a known variety name.

47. Q: What difference would it make if seed were to be sold by brand names instead of variety names?

A: It would result in a loss of the varietal identity. This could eventually result in losing much of the benefit of all the efforts on the part of experiment station and private plant breeders to develop, distribute and publicise superior varieties. Conceivably, if no controls existed, one variety could be sold under hundreds of brands. There would also be no control over what variety would be sold under the brand name from year to year. In other words, the label would not help seed buyers select seed of the variety they wished to purchase.

48. Q: How could this confusion as to brand and variety names be clarified?

A: By an amendment to the Federal Seed Act requiring that the variety name of agricultural seeds be shown on the label, if known, or if not known, to be so labeled. The buyer would then have less difficulty in distinguishing the designated brand from the variety name, if given, or if clearly stated to be not known.

49. Q: When large shipments of seed are made without labels on each bag, as permitted under section 203(b) (2) (B) of the act, must the information required under section 201(a), (b), and (i) be on the shipping papers which actually arrive with the seed or can such information be shown on the invoice?

A: As long as the statements required under sections 201(a), (b), and (i) are on the invoice accompanying and pertaining to the seed shipped, these statements need not appear on the shipping papers which actually arrive with the seed.

50. Q: Is it acceptable to have a grower's declaration on a check or voucher?

A: Grower's declarations on checks are permissible under the present wording of the regulations so long as they contain all the information required in section 201.2(n) and (o) of the regulations. We are of the opinion, however, that the use of a grower's declaration on a check places a certain amount of duress upon the person who endorses the check. In addition, the grower's declaration on a check would not always be available for inspection and the grower would not have a copy as required under the regulations. For these reasons, we would not recommend that grower's declarations be placed on checks. If it becomes a general practice, we

would recommend that it be prohibited.

51. Q: Is it necessary to clearly identify as a "Brand" the brand or trade-mark each time it is used in a price list with the name of the kind and variety of seed?

A: No. We are of the opinion that it is in compliance with section 201.36 b(c) of the regulations to clearly identify in the masthead of a price list terms used as a brand or trade-mark without identifying the brand or trade-mark as such each time it is used on the same page; for example, "The term 'Blank' is our brand (or trade-mark) and not a part of the name of the kind or variety."

52. Q: Is it permissible to use an advanced date for the required date of test in labeling lawngrass cartons for interstate shipment?

A: No. The Federal Seed Act requires that the labeling shall show the calendar month and year the test was completed to determine the percentage of germination and hard seed. The use of an advanced date of test would, in our opinion, be a false statement and therefore would be in violation of the Federal Seed Act.

53. Q: It is in compliance with the act to label packets or containers of seed with the word "Poison" with or without a skull and crossbones, even though the substance used in the treatment would not fall in the category of a mercurial or similarly toxic substance?

A: Yes. In our opinion, a stronger caution statement than is required would serve as a greater protection to the public and therefore would comply with the intent of the act. The container, of course, must still be labeled to indicate that it was treated and to show the name of the substance used.

54. Q: If a mixture consisting of various seed-treating substances requiring different caution statements is used in treating seed, must each substance be labeled with the appropriate caution statement?

A: No. In our opinion, the use of the strongest caution statement required by any one of the substances in the mixture would comply with the intent of the act.

55. Q: Can the proprietary name of a seed-treating product be used in addition to the name of the substance required to be stated?

A: Yes, insofar as the Federal Seed Act requirements are concerned. The name of the substance must be given as the principal name. The proprietary name may be given in parentheses. The rate of treatment for the product can also be given in the same parentheses with the proprietary name,

if desired, thus eliminating the problem of showing the rate (when required) for each substance if a mixture of substances is used in treating seed. The question as to whether you can legally use a registrant's trade-mark is a matter to be settled between the labeler and the registrant.

56. Q: Is it necessary that the other crop seed percentage shown on the label include the total of all kinds of seed present to the extent of less than 5 percent, including those kinds present to the extent of less than 5 percent shown separately on the label?

A: No. Since the act was recently amended to specifically provide for the labeling of percentages smaller than 5 percent, we are of the opinion that it was the intent of Congress that these percentages, when shown separately, need not also be shown as a part of the total "other crop seed" percentage.

57. Q: How large must a file sample of an agricultural seed lot be which seedsmen are required to keep under the Federal Seed Act?

A: It must be at least the weight required for a noxious-weed examination, as indicated under section 201.46 of the regulations. For example, it is required that at least the following amounts be kept on file:

500 grams (slightly over one pound) of barley, bean, corn cotton, cowpea, lupine, peanut, pea, soybean, and seeds of similar size.

300 grams (slightly over 1/2 pound) of beet, broomcorn, buckwheat, burclover, hemp, sainfoin, and seeds of similar size.

50 grams (slightly over 2 ounces) of alfalfa, crimson clover, red clover, meadow fescue, Johnsongrass, lespedezas, and seeds of similar size.

35 grams (slightly more than 1 ounce) of yellow bluestem, reed canary grass, alsike clover, suckling clover, white clover, dallisgrass, red fescue, and seeds of similar size.

25 grams (slightly less than 1 ounce) of bentgrasses, bluegrasses, persian clover, redtop, velvetgrass, and seeds of similar size.

58. Q: How large must a file sample of a vegetable seed lot be?

A: At least 400 seeds.

59. Q: Is it absolutely necessary that the person subject to the Federal Seed Act keep in his possession the file sample or may it be kept for him by a commercial or State seed laboratory?

A: It can be kept by a seed laboratory acting as an agent for the person subject to the act. If, however, the seed laboratory fails to keep or make available the required sample, the person subject to the act will be held responsible.

60. Q: What precautions should be taken in drawing a file sample?

A: The sample should be obtained according to accepted sampling techniques. These include sampling the minimum number of containers with a probe or trier which reaches all parts of the container. Samples drawn from lots of seed not uniformly blended cannot be representative of each portion or bag in the lot. Test results obtained on a sample which is not representative of each portion or bag in the lot are not reliable for use in labeling.

61. Q: If I obtain a laboratory report from my supplier, is it necessary for me to have another test made before labeling seed for interstate shipment?

A: The basis for labeling seed in interstate commerce is left to the interstate shipper to determine. If the seed is labeled correctly, the basis upon which it was labeled will not be questioned. If, however, the seed is found to be falsely labeled, the shipper's basis for labeling will be subject to inquiry to determine whether he took proper precautions in labeling the seed. It would appear that a person who, in good faith, obtains his own representative sample from a properly blended lot of seed as it is received and has it tested by a qualified seed analyst would, normally, have taken proper precautions. On the other hand, a person who relies on a laboratory report furnished by his supplier is taking a certain amount of risk as he cannot know whether the sample reported on properly represents the seed he has received or that the seed lot is uniformly blended.

62. Q: If seed is held in storage until the date of test expires, is a retest of the original file sample considered a reliable basis for determining the percentage of germination and renewing the date of test shown on the labels?

A: No. Seed stored in a warehouse does not always retain its viability the same as a small sample stored under different conditions. A new sample of the seed actually in storage should be obtained for the purpose of retesting and relabeling.

63. Q: If part of a lot is treated with an insecticide or fungicide, and part of the lot is not treated, is it advisable to keep samples of both the treated and untreated seed?

A: Yes. The two portions should be considered as separate lots of seed. It is advisable to retest the treated seed for germination after treatment.

Treating the seed may cause the percentage of germination to be lowered more rapidly than for untreated seed, particularly if the seed has a high moisture content or if it is treated at too heavy a rate.

64. Q: Why are there frequently wide variations in tests made by different laboratories on the same lot of seed?

A: In the many check tests which our laboratories conduct on official samples and commercial seed laboratory samples, we seldom find any error in testing on the part of a laboratory. Differences beyond tolerance in results of tests reported are most frequently found to be caused by differences in the samples tested.

65. Q: How are the methods for testing seeds developed in enforcement of the Federal Seed Act?

A: Most of the methods for testing seeds promulgated in the rules and regulations under the Federal Seed Act have previously been adopted by the Association of Official Seed Analysts. Each proposed change in the regulations is published in the Federal Register and a public hearing is held before a change in the regulations is promulgated by the Secretary.

66. Q: Who can propose changes in the methods for testing seed in enforcement of the Federal Seed Act?

A: Anyone can propose to the U. S. Department of Agriculture changes in the rules for seed testing to be included in the rules and regulations under the Federal Seed Act. Recommendations should be supported by research date establishing that the proposed change will establish a more accurate method of determing the true planting value of seed. The public hearings provide an opportunity for everyone to be heard regarding proposed rule changes.

67. Q: When is a new kind of seed added to the list of those subject to the Federal Seed Act?

A: When it is determined by the Secretary that seed of the particular kind is in commercial channels, is being used for seeding purposes in the United States, and proper methods for testing are available.

68. Q: Do private and commercial seed laboratories generally follow the same rules for testing seed as do the State and Federal laboratories?

A: We believe they do even though there is no legal requirement that they must do so. The Federal Seed Act requires that seed be completely and correctly labeled. The rules for testing seed in the regulations indicate how seed will be tested in enforcement of the act. It behooves seedsmen labeling seed for interstate shipment to test seed in the same manner for

their own protection even though they are not legally required to do so.

69. Q: What guides for seedling evaluation are available in those instances when normal and abnormal seedlings may be difficult to differentiate?

A: Assistance may be obtained by using (1) check tests made in sterilized soil or sand, (2) photographs of seedlings as standard guides (available from the U. S. Department of Agriculture as specified in the rules for testing seed in the Federal Seed Act), and (3) seedling descriptions as published in the Federal Seed Act rules. The Seed Branch of the U. S. Department of Agriculture also conducts "seed schools" on a regional basis annually where commercial and official analysts may confer and reach agreement on interpretations and classification of problem seeds and seedlings.

70. Q: If a seedsman sends two samples of the same lot of seed to two different laboratories and the difference in the results reported exceeds the recognized tolerance, how can the seedsman determine how the seed is to be labeled?

A: Both laboratories should be informed of the results of both tests and retests should be requested. In addition, the laboratories should be asked to send portions of their samples to a third laboratory as a "referee." Such retests will usually establish whether one of the laboratories is in error or whether the two samples are actually of different quality. If time does not permit delaying labeling and sale of the seed in order to await the results of retests, the safest course is to label the seed according to the lease favorable test result from the labeler's standpoint. To label according to the most favorable test reported would be taking a certain amount of risk and does not demonstrate good faith on the part of the labeler.

71. Q: If a proprietary name or trade-mark is used on a seed treatment label, may it be in larger size print than the name of the substance required to be shown?

A: Yes, providing the proprietary name is not a part of the treatment statement or closely associated with the name of the substance required to be shown in the treatment statement. It is not construed to be misleading if the treatment statement reads, "Treated with Thiram" and elsewhere on the label a trade-mark appears, regardless of size of the print. It is construed to be misleading if the treatment label reads "Treated with ROLLINS (thiram)" or "Treated with thiram (ROLLINS)."

72. Q: Can a marketing association obtain a code designation from the Department and use it in lieu of a shipper's name and address on all seeds shipped interstate by its members?

A: No, not if the shipments are made by the members individually. A separate code designation would have to be issued for each interstate shipper. If the association collects the seed at one point, however, and then ships it interstate, the association would then be considered the interstate shipper and one code designation would suffice.

73. Q: What is the pedigree of the hybrid sorghum variety J999?

A: The pedigree of a privately produced hybrid, if filed with this Branch, is considered to be confidential.

74. Q: Is sorghum almum a variety of sorgrass?

A: Sorgrass is the name of the kind for rhizomatous derivatives of a Johnsongrass x sorghum cross or a Johnsongrass x sudangrass cross. Sorghum almum is a species of the Sorghum genus for which the botanical name is also the common name. Both of these kinds of seed are listed in section 201.2(h) of the rules and regulations and the seed of both is subject to the act when shipped in interstate commerce.

75. Q: What is the kind name to be used for hybrids of sorghum x sudangrass?

A: In order to distinguish such hybrids from sorghum hybrids and sudangrass hybrids, we have suggested that they be called "sorghum-sudangrass hybrid."

76. Q: Is "sorgo" recognized as a synonym for the kind name "sorghum"?

A: Yes. The term "sorgo" when used in connection with sweet-stalked sorghum varieties is considered a synonym for the kind name "sorghum." This recognition of synonyms is provided for in section 201.34(h) of the rules and regulations, as amended effective July 1, 1959.

77. Q: Is it permissible to label "Common" ryegrass as "Italian" ryegrass?

A: The term "Italian" is the common name for Lolium multiflorum Lam. This kind of seed is the annual species of ryegrass. If the "Common" ryegrass is at least 95 percent annual ryegrass, it may be labeled as "Italian" ryegrass. The name "Italian" can be used in labeling annual ryegrass, regardless of where the seed is grown.

Service and Regulatory Announcements No. 156, Rules and Regulations under the Federal Seed Act may be obtained from the Seed Branch, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.