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## COMPLIANCE WITH SEED LAW

Charles Sciple<sup>1/</sup>

Failure to label in accordance with the requirements of State and Federal Seed Laws can become a major expense in time and money. It can be embarrassing and result in a loss of valuable customers. When labeling seed for sale, seedsmen must follow established labeling procedures and become familiar with State Seed Laws of the State into which the seed is intended for sale.

Regardless of effort it seems that some seedsmen continually find themselves in trouble with seed control officials, and there are all kinds of excuses for this. A close look at the seed industry indicates that most of the businesses do comply with the State and Federal Laws, and it is difficult to see why others find compliance so difficult. My experience has been that most of the violations occur in businesses which handle seed as a sideline or, in other words, in businesses where selling seed is not the primary source of income. This indicates to me that the business is geared for some operation other than a good sound seed business. It may be a feed store, a hardware store or some other farm-type enterprise. Converting combine-run seed into good marketable seed for disposition on today's competitive market, however, requires considerable know-how and good, sound practices which may be lacking in some businesses where seeds are of secondary importance.

The seedsman must understand the standard basic labeling procedures before attempting to make a label. A label must be practical as well as legal. We might cite, as an example, statements such as "Pure seed not less than 90 percent" or "at least 90 per cent in germination." Many states maintain that such statements are false. If actual test results should happen to fall below the "guaranteed" figure, many states do not allow a tolerance and the seed is declared to be falsely labeled. Some of you may remember many years ago when law mixtures were permitted to be labeled as a complete

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analysis for each component part in the mixture. Can you imagine the confusion to a home owner when he read a label bearing the complete analysis for each kind of seed in a four-or five-way mixture?

#### SEED PROCESSORS AND LABELERS MUST KNOW THEIR PRODUCT

A seedsman must be able to identify seed most often found in his area as to whether it is a crop or a weed. In addition he should be able to look at a handful of seed during processing and quickly determine if the machinery is performing properly.

The lack of uniformity within a seed lot ranks near the top as the main reason for failure to meet state and federal labeling requirements. A seed lot must be uniform in order for tests to be representative for quality of the seed in the lot.

#### KEEPING GOOD RECORDS IS ESSENTIAL TO ANY SUCCESSFUL SEED BUSINESS

Many of today's seed operations are too large for the operator to remember the details of all lots of seed he sells or intends to sell. Not long ago, I contacted a wheat seedsman because of a complaint by one of his customers that he had failed to get the variety ordered. I asked the seedsman to show me where each of the three varieties he handled were stored before processing. He could not show me the storage area nor could he produce any records or other identifying marks for the wheat which he had marketed. Surely, accurate records would help to prevent this and other similar situations.

All wheat samples collected by state inspectors in Ohio were planted during each of the past three years. Most violations resulted from seed mixtures. Certainly the farmers and processors did not mix the wheat intentionally, but most of the errors came about either because poor records or no records at all were maintained.

It is difficult to study all state laws and become familiar with each state official's interpretation of that law. Sometimes we don't interpret what we read the same as someone else might. I believe it is best that you visit with your state control official and discuss changes you propose to make in labeling before printing the labels. Once you have decided on a definite label, send it to the state and federal official and ask if the label meets the labeling requirements for the state into which you intend to ship seed.

#### SUMMARY

1. A seed dealer must put his business in order and follow sound business practices. The seed business is not something you get into and out of quickly. You cannot fool the farmer into buying low quality seed and expect him to be happy year after year. He may get a good stand this year and not notice the weed problem now, but what about next year? Perhaps he bought seed from you because he trusted you. You let him down and you have likely lost a customer.
2. A seedsman must know his product. You cannot guess at the germination or estimate the weed seed content. You must test to determine the quality. The seed lot must be labeled properly to reflect its quality as determined by testing. You cannot expect to label low and meet competition and you cannot expect to label high and stay out of trouble. The label must reflect the actual quality of the seed.
3. The seedsman must keep a good set of records and not depend on memory alone. Records can be the seedsman's salvation should he be required to defend the quality of the seed sold in court. Records establish proof of correctness of labeling intent and permit the seedsman to make corrections based on facts where needed.

4. Seedsmen should frequently consult with seed control officials and discuss their labeling problems. Seed control officials should be informed of labeling changes before the changes are made. A control official enjoys working with seedsmen who make a serious effort to label correctly.